Revised Code
-of-
Ordinances

City
of
Altamont
Illinois

[2026]

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CITY
OF
ALTAMONT

ORDINANCE NO. _____

AN ORDINANCE ADOPTING
A
"REVISED CODE OF ORDINANCES"
FOR THE
CITY OF ALTAMONT, ILLINOIS

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ALTAMONT, ILLINOIS

THIS 14TH DAY OF SEPTEMBER, 2026

Published in book form by authority of the City Council of the City of Altamont, Effingham County, Illinois this 14th day of September, 2026.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES OF THE CITY OF ALTAMONT, EFFINGHAM COUNTY, ILLINOIS.

WHEREAS, the City of Altamont ("the City") is an Illinois non-home rule municipality operating under the provisions of Article VII, Section 7, of the Illinois Constitution, and other laws; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALTAMONT, EFFINGHAM COUNTY, ILLINOIS, THAT:

Section 1: Adoption of Revised Code. The following Exhibit "A" shall be **"The Revised Code of Ordinances"** of the City of Altamont, Effingham County, Illinois 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ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.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 4: Passed this 14th day of September, 2026 by the City Council of the City of Altamont, Effingham County, Illinois, and deposited and filed in the office of the City Clerk in said City on that date.

_____
SARAH A STEPHEN, CITY CLERK
ALTAMONT, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT
Terry White				
Zain Parker				
John Mefford				
Larry Taylor				
Michael Walker, Mayor				

Signed by the Mayor of the City of Altamont, Effingham County, Illinois, this 14th day of September, 2026.

MICHAEL WALKER, MAYOR
ALTAMONT, ILLINOIS

ATTEST:

SARAH A STEPHEN, CITY CLERK
ALTAMONT, ILLINOIS

(SEAL)

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF EFFINGHAM) ss. CITY CLERK'S OFFICE
CITY OF ALTAMONT)

I, Sarah A. Stephen, City Clerk of the City of Altamont, Illinois, do hereby certify that the following Ordinance of the City of Altamont, Illinois, published by authority of the City Council was duly passed by the City Council of the City of Altamont, 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 City of Altamont, Illinois, this 14th day of September, 2026.

SARAH A. STEPHEN
CITY CLERK
ALTAMONT, ILLINOIS

(SEAL)

CHAPTER TITLES

1.	Administration	1-1
3.	Animals	3-1
4.	Boards and Commissions	4-1
6.	Buildings	6-1
7.	Business Code	7-1
8.	Cable Television	8-1
9.	Cemetery	9-1
11.	Electric System	11-1
12.	Enterprise Zone	12-1
14.	Flood Plain Code	14-1
15.	Franchises	15-1
18.	Health Regulations	18-1
20.	Library	20-1
21.	Liquor	21-1
22.	Mandated Policies	22-1
23.	Manufactured Housing Code	23-1
24.	Motor Vehicle Code	24-1
25.	Nuisances	25-1
27.	Offenses	27-1
28.	Oil Wells	28-1
30.	Public Safety	30-1
31.	Recreation and Parks	31-1
33.	Street Regulations	33-1
34.	Subdivision Code	34-1
35.	Tree Code	35-1
36.	Taxation	36-1
38.	Utilities	38-1
40.	Zoning Code	40-1

ALTAMONT, ILLINOIS

ORD. #	TITLE	DATE	LOCATION IN CODE
1	Electric Bonds - $200,000	01/25/71	Special Legislation
2	Zoning - Map	01/25/71	Special Legislation
3	CIPS - Interconnect	02/01/71	Chapter 15
4	Annexation: Reproco	03/22/71	Special Legislation
5	Vacating: Wacker Dr.	03/22/71	Special Legislation
6	Zoning - Map	03/24/71	Special Legislation
7	Administration: Commission	05/10/71	Chapter 1
8	Administration: Commission	05/10/71	Chapter 1
9	Administration: Electric	05/10/71	Chapter 1
10	Administration: Meeting	05/24/71	Chapter 1
11	Appropriation	06/15/71	Special Legislation
12	Cemetery Street Closing	07/26/71	Special Legislation
13	Tax Levy	08/23/71	Special Legislation
14	Administration: Electric Superintendent	10/26/71	Chapter 1
15	Utilities: Water Department	10/26/71	Chapter 38
16	Administration: Water Superintendent	10/26/71	Chapter 1
17	Mobile Housing Permits	12/13/71	Chapter 23
18	Zoning: Map	01/24/72	Special Legislation
19	Motor Vehicles: Parking	01/10/72	Chapter 24
20	Appropriation	05/23/72	Special Legislation
21	Utilities: Water Reservoir	07/10/72	Special Legislation
22	Reservoir Bids	07/17/72	Special Legislation
23	Tax Levy	08/28/72	Special Legislation
24	Reservoir: Bids	08/21/72	Special Legislation
25	Water Bonds	09/25/72	Special Legislation
26	Utilities: Water Rates	09/18/72	Chapter 38
27	Vacating: Cemetery Street	10/23/72	Special Legislation
28	Motor Vehicle: Parking	10/23/72	Chapter 24
29	Zoning: Map	12/11/72	Special Legislation
30	Oil and Gas Wells	12/11/72	Chapter 28
31	Oil and Gas Wells	02/05/73	Chapter 28
32	Recreation Board	04/30/73	Special Legislation
33	Recreation Board - Repealed	05/04/73	Repeals #32
34	Appropriation	05/29/73	Special Legislation
35	Cemetery	07/09/73	Chapter 9
36	Utilities: Water Regulations	07/09/73	Ch. 38; Art. III
37	Tax Levy	08/27/73	Special Legislation
38	Real Estate Sale	09/10/73	Special Legislation
39	I.M.R.F.	09/24/73	Chapter 1
40	Annexation: Altamont Imp. Co.	10/09/73	Special Legislation
41	Sale of Diesel Engines	10/23/73	Special Legislation
42	Liquor: Minors	11/13/73	Chapter 21
43	Not Enacted		
44	Vacating Lots	11/20/73	Special Legislation
45	Annexation: Sec. 10	11/73	Special Legislation
46	Zoning: Map	12/10/73	Special Legislation
47	Sale of Real Estate	01/28/74	Special Legislation
48	Utilities: Electric Rate	05/29/74	Chapter 38
49	Appropriation	06/10/74	Special Legislation
50	I.M.R.F. Tax	06/10/74	Special Legislation
51	Vacating: Circle Dr.	06/10/74	Special Legislation
52	Recreation: Reservoir	08/26/74	Chapter 31
53	Tax Levy	08/26/74	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
54	Utilities: Electric Rate	09/23/74	Chapter 38
55	Zoning Code: Content	09/23/74	Chapter 40
56	Lease from Catholic Church	09/23/74	Special Legislation
57	Sales Tax	10/03/74	Special Legislation
58	Annexation: Avery	10/15/74	Special Legislation
59	Annexation: Beccue	10/15/74	Special Legislation
60	Annexation: School District	10/29/74	Special Legislation
61	Streets: Named	11/25/74	Special Legislation
62	Annexation: Reiss, Evans, Blair	11/25/74	Special Legislation
63	Zoning: Map	12/09/74	Special Legislation
64	Sale of Water Tower	12/09/74	Special Legislation
65	Zoning: Map	01/13/75	Special Legislation
66	Motor Vehicle: Parking	02/24/75	Chapter 24
67	Vacating: Fifth St.	02/24/75	Special Legislation
68	Election Precincts Established	10/10/75	Special Legislation
69	Annexation: City Property	11/24/75	Special Legislation
70	Annexation: Goers	04/14/75	Special Legislation
71	Administration: Salaries	03/26/75	Chapter 1
72	Administration: Salaries	03/31/75	Chapter 1
73	Appropriation	06/09/75	Special Legislation
74	Recreation Board	05/27/75	Chapter 31
75	Boards: Health	06/09/75	Chapter 4
76	Nuisance: Weeds	06/09/75	Chapter 25
77	Nuisance: Dangerous Buildings	06/09/75	Chapter 25
78	Sale of Old Reservoir	07/22/75	Special Legislation
79	Vacating Alley: Hotz's Addition	08/11/75	Special Legislation
80	Tax Levy	08/25/75	Special Legislation
81	Utilities: Electric Rate	03/08/76	Chapter 38
82	Motor Vehicles: Signs	03/22/76	Chapter 24
83	Motor Vehicles: Speed	03/22/76	Chapter 24
84	Electric System Const.	03/22/76	Special Legislation
85	Electric System Bonds	05/17/76	Special Legislation
86	Appropriation	06/28/76	Special Legislation
87	Telephone Franchise: Contint.	06/14/76	Special Legislation
88	Tax Levy	08/23/76	Special Legislation
89	Purchase of Grade School	10/05/76	Special Legislation
90	Annexation: Barnfield	11/15/76	Special Legislation
91	Administration: Bids	11/15/76	Chapter 1
92	Motor Vehicles: Parking	11/29/76	Chapter 24
93	CIPS Electric Purchase	01/24/77	Chapter 38
94	Annexation: Eckhardt	06/13/77	Special Legislation
95	Utilities: Sewer	06/27/77	Chapter 38; Art. V
96	Appropriation	06/27/77	Special Legislation
97	Utilities: Water Rates	07/11/77	Chapter 38
98	Tax Levy	08/22/77	Special Legislation
99	Utilities: Sewer Rates	10/31/77	Chapter 38
100	Utilities: Electric Rate	01/31/78	Chapter 38
101	Appropriation	05/22/78	Special Legislation
102	Liquor: Classes	07/10/78	Chapter 21
103	Annexation: Budde	08/14/78	Special Legislation
104	Tax Levy	08/28/78	Special Legislation
105	Liquor: Hours	11/15/78	Chapter 21
106	Liquor Code	12/11/78	Chapter 21
107	Subdivision	04/09/79	Chapter 34
108	Appropriation	05/14/79	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
109	Motor Vehicles: Parking	06/25/79	Special Legislation
110	Appropriation	07/23/79	Special Legislation
111	Garbage Fees	08/27/79	Chapter 16
112	Offenses	08/27/79	Chapter 27
113	Offenses	08/27/79	Chapter 27
114	Motor Vehicles: Parking	08/27/79	Chapter 24
115	Liquor: Parks	08/27/79	Chapter 21
116	Tax Levy	08/27/79	Special Legislation
117	Purchase of Grader	07/11/79	No Ordinance
118	Annexation: Feldkamp	12/10/79	Special Legislation
119	Motor Vehicle: Stops	06/09/80	Chapter 24
120	E.P.A. Grant Agreement	06/09/80	Special Legislation
121	Prevailing Wages	06/23/80	Special Legislation
122	Motor Vehicle	07/28/80	Chapter 24
123	Appropriation	07/28/80	Special Legislation
124	Liquor: Parks	07/14/80	Chapter 21
125	Utilities: Water Rate	08/11/80	Chapter 38
126	Utilities: Sewer Rate	08/11/80	Chapter 38
127	Utilities: Electric Rate	08/11/80	Chapter 38
128	Administration: Finance	08/11/80	Chapter 1
129	Tax Levy	08/29/80	Special Legislation
130	Taxation (See No. 135)	09/08/80	Special Legislation
131	Utilities: Electric Rates	09/15/80	Chapter 38
132	Utilities: Water Rates	09/15/80	Chapter 38
133	Street Named	10/27/80	Special Legislation
134	Liquor: Classes	12/22/80	Chapter 21
135	Taxation (Repeals No. 130)	12/22/80	Special Legislation
136	Street Encroachment	06/08/80	Special Legislation
137	Con. Rail Co. Agreement	06/08/80	Special Legislation
138	Utilities: Electric	06/22/80	Chapter 38
139	Utilities: Sewer Charges	06/27/80	Chapter 38
140	Prevailing Wages	06/22/80	Special Legislation
141	Appropriation	06/27/80	Special Legislation
142	Police Tax Election	06/27/80	Special Legislation
143	Tax Levy	08/31/80	Special Legislation
144	Vacating Alley - Smith	09/14/80	Special Legislation
145	Vacating Streets - W. Adams	09/14/80	Special Legislation
146	Not Used		
147	Prevailing Wages	06/14/82	Special Legislation
148	Appropriation	07/26/82	Special Legislation
149	Vacating: Gate St.	07/26/82	Special Legislation
150	Gas Franchise	07/26/82	Chapter 14
151	Motor Vehicle: Signs	08/09/82	Chapter 24
152	Tax Levy	08/23/82	Special Legislation
153	Utilities: Electric Rate	01/10/83	Chapter 38
154	Election Precincts	02/14/83	Special Legislation
155	Sewer Bonds - $710,000	04/11/83	Special Legislation
156	Utilities: Sewer Code	04/15/83	Chapter 38
157	Sewer Bond Redemption	04/15/83	Special Legislation
158	Sewer Bonds - (See #155)	06/11/83	Special Legislation
159	Prevailing Wages	06/13/83	Special Legislation
160	Contract with T. White	07/11/83	Special Legislation
161	Appropriation	07/25/83	Special Legislation
162	Tax Levy	08/22/83	Special Legislation
163	Utilities: Sewer Regulations	12/12/83	Chapter 38

ORD. #	TITLE	DATE	LOCATION IN CODE
164	Encroachment	12/12/83	Special Legislation
165	Ill. Municipal Power Agency	04/09/84	Special Legislation
166	Prevailing Wages	06/11/84	Special Legislation
167	Appropriation	07/23/84	Special Legislation
168	Tax Levy	08/27/84	Special Legislation
169	Contract with Terry White	10/22/84	Special Legislation
170	Vacation of Alley: Conlogue	10/22/84	Special Legislation
171	I.M.E.A. -- Members: Ladd	12/10/84	Special Legislation
172	I.M.E.A. -- Members: Freeburg	12/10/84	Special Legislation
173	Utilities: Electric Rate	01/28/85	Chapter 38
174	Ill. Mun. Risk Assoc.	04/08/85	Ch. 1; Art. IV
175	I.M.E.A.: Carlyle	04/08/85	Special Legislation
176	Prevailing Wages	06/10/85	Special Legislation
177	$300,000 Ind. Rev. Bonds	06/10/85	Special Legislation
178	Appropriation	07/31/85	Special Legislation
179	I.M.E.A.	08/12/85	Special Legislation
180	Tax Levy	08/26/85	Special Legislation
181	Electrical Contract: T. White	11/25/85	Special Legislation
182	Traffic Coord: Unit 10	01/27/86	Special Legislation
183	Zoning: Map	03/24/86	Special Legislation
184	Flood Plain Code	06/09/86	Chapter 6
185	Prevailing Wages	06/09/86	Special Legislation
186	Appropriation	07/28/86	Special Legislation
187	Tax Levy	08/25/86	Special Legislation
188	Zoning Code	08/25/86	Chapter 40
189	I.M.E.A.: Casey	09/22/86	Special Legislation
190	I.M.E.A.: Marshall	09/22/86	Special Legislation
191	Tree Code	10/14/86	Chapter 35
192	Electrical Contract: T. White	01/26/87	Special Legislation
193	Litigation Settled	01/26/87	Special Legislation
194	Administration: Salaries	02/23/87	Ch. 1; Art. III
195	Electric Sales Contract: I.M.E.A.	05/06/87	Special Legislation
196	Prevailing Wages	06/22/87	Special Legislation
197	I.M.E.A.: Carmi	06/22/87	Special Legislation
198	I.M.E.A.: Flora	06/22/87	Special Legislation
199	I.M.E.A.: Metropolis	06/22/87	Special Legislation
200	Appropriation	07/20/87	Special Legislation
201	Tax Levy	08/24/87	Special Legislation
202	Zoning: Map	09/14/87	Special Legislation
203	Zoning: Map	09/14/87	Special Legislation
204	Garbage Rates	10/14/87	Chapter 16
205	Administration	10/27/87	Special Legislation
206	Boundaries of City	01/25/88	Special Legislation
207	Library	02/08/88	Chapter 20
208	Electrical Contract: T. White	03/14/88	Special Legislation
209	Public Safety: Police	06/13/88	Chapter 30
210	Prevailing Wages	06/13/88	Special Legislation
211	Appropriation	06/13/88	Special Legislation
212	Tax Levy	08/22/88	Special Legislation
213	Prevailing Wages	06/12/89	Special Legislation
214	Appropriation	06/26/89	Special Legislation
215	Easement Agreement: St. Paul's	07/25/89	Special Legislation
216	Zoning: Map	08/14/89	Special Legislation
217	Garbage Rate	09/12/89	Chapter 16
218	Litigation Settled	09/11/89	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
219	I.M.E.A.: Roodhouse	09/25/89	Special Legislation
220	Liquor Code	10/23/89	Chapter 21
221	Tax Levy	10/23/89	Special Legislation
222	Utilities: Sewer Code	05/14/90	Chapter 38
223	Prevailing Wages	06/25/90	Special Legislation
224	Voided		
225	Appropriation	07/09/90	Special Legislation
226	Carriage Inn Frontage Rd.	08/13/90	Special Legislation
227	Cable Television	10/09/90	Chapter 8
228	I.M.E.A.	11/13/90	Special Legislation
229	Tax Levy	11/13/90	Special Legislation
230	Westinghouse: Substation	12/24/90	Special Legislation
231	Real Estate: Russell	12/24/90	Special Legislation
232	Enterprise Zone	01/25/91	Chapter 11
233	Membership: Julie Inc.	02/11/91	Special Legislation
234	Electric: Rates	02/25/91	Special Legislation
235	Utility Easements Vacated	03/27/91	Special Legislation
236	Prevailing Wages	06/18/91	Special Legislation
237	Appropriation	07/22/91	Special Legislation
238	Annexation	07/22/91	Special Legislation
239	Utilities: Cross-Connection	09/23/91	Chapter 38
240	Tax Levy	10/15/91	Special Legislation
241	Real Estate: Lutheran	01/13/92	Special Legislation
242	Annexation	04/13/92	Special Legislation
243	Annexation	04/13/92	Special Legislation
244	Zoning: Map	04/13/92	Special Legislation
245	Enterprise Zone	04/13/92	Chapter 11
246	Enterprise Zone	04/13/92	Chapter 11
246A	Garbage Rates	06/09/92	Chapter 16
247	Prevailing Wages	06/22/92	Special Legislation
248	Appropriation	07/27/92	Special Legislation
249	Tax Levy	08/11/92	Special Legislation
250	Motor Vehicles: Signs	12/29/92	Chapter 24
251	Streets: Sidewalk Const.	01/12/93	Chapter 33
252	Utilities: Water Rates	01/12/93	Chapter 38
253	Utilities: Electric Rates	05/24/93	Chapter 38
254	Nuisances	06/14/93	Chapter 25
255	Prevailing Wages	06/28/93	Special Legislation
256	Appropriation	07/12/93	Special Legislation
257	Motor Vehicles: Restricted	08/09/93	Chapter 24
258	Tax Levy	09/27/93	Special Legislation
259	Sale of Real Estate: Rouleau	02/14/94	Special Legislation
260	Water Construct: Street Use	05/23/94	Special Legislation
261	$1,830,000 Water Bonds	05/23/94	Special Legislation
262	Prevailing Wages	06/27/94	Special Legislation
263	Appropriation	07/25/94	Special Legislation
264	Animals: Dogs/Cats Barking	08/08/94	Chapter 3
265	Tax Levy	08/22/94	Special Legislation
266	Monarch Gas Co.: Purchase	08/22/94	Special Legislation
267	Election: Gas System Acquist.	08/29/94	Special Legislation
268			
269	Garbage Regulations	05/09/95	Ch. 16; Art. I
270	Prevailing Wages	06/26/95	Special Legislation
271	Appropriation	07/10/95	Special Legislation
272	Appropriation	07/25/95	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
273	Zoning	08/14/95	Special Legislation
274	Gas Franchise	08/28/95	Chapter 15
275	Flood Plain Code	09/11/95	Chapter 14
276	Tax Levy	09/11/95	Special Legislation
277	Easement: Wolff	09/11/95	Special Legislation
278	Easement Purchase	12/11/95	Special Legislation
279	Nuisance	12/26/95	Chapter 25
280	I.M.E.A. - Red Bud	03/11/96	Special Legislation
281	Annexation	04/22/96	Special Legislation
282	Prevailing Wages	06/24/96	Special Legislation
283	Taxation: Utility	07/08/96	Chapter 36
284	Flood Plain Code	07/22/96	Chapter 14
285	Appropriation	07/22/96	Special Legislation
286	Street: Permits	09/09/96	Chapter 33
287	Tax Levy	09/09/96	Special Legislation
288	I.M.E.A. - Greenup	10/28/96	Special Legislation
289	Real Estate: Lease	12/23/96	Special Legislation
290	Natural Gas Franchise - Tras	01/27/97	Sec. 15-1-1
291	Dangerous Buildings Declared	03/24/97	Special Legislation
292	Annexation	05/12/97	Special Legislation
293	Annexation	05/12/97	Special Legislation
294	Annexation	05/12/97	Special Legislation
295	Taxation: Motel/Hotel	05/27/97	Ch. 36; Art. III
296	Boards/Commissions: Tourism	05/27/97	Ch. 4; Art. II
297	Prevailing Wages	06/23/97	Special Legislation
298	Appropriation	07/28/97	Special Legislation
299	Electric Rates	07/28/97	Chapter 11
300	Revised Code Adopted	08/11/97	New Code
301	Tax Levy	1997	Special Legislation
302	Electric System: Rates	1997	Chapter 11
303	Taxation: Electric Utility	1997	Ch. 36; Art. V
304	Electric System: Rates	1998	Chapter 11
305	Taxation: Telecommunications	1998	Ch. 36; Art. IV
305-98	Revised Code	1998	New Code
306	Annexation: Banquet Hall	1998	Special Legislation
307	Annexation: East Hwy 40 – Sapps	1998	Special Legislation
308	Prevailing Wage	1998	Special Legislation
309	Appropriation	1998	Special Legislation
310	Tax Levy	1998	Special Legislation
311	IMEA	1998	Special Legislation
312-98	Liquor	1998	Section 21-2-6
313-98	Motor Vehicles	1998	Section 24-6-4
314	IMEA	1999	Special Legislation
315-99	Purchase of Property	1999	Special Legislation
316-99	Annexation: Mayfair Village	1999	Special Legislation
317-99	Mowing Service Agreement	1999	Special Legislation
318-99	Prevailing Wage	1999	Special Legislation
319-99	Administration: Gift Ban	1999	Ch. 1; Art. VI
320-99	Appropriation	1999	Special Legislation
321-99	Nuisances: Dangerous Buildings	1999	Special Legislation
322-99	Tax Levy	1999	Special Legislation
323-99	Vacation of Subdivision	1999	Special Legislation
324-99	Annexation: Baptist Church	1999	Special Legislation
325-99	Appropriation	1999	Special Legislation
326-99	Administration: Investment Policy	1999	Ch. 1; Art. V

ORD. #	TITLE	DATE	LOCATION IN CODE
327-99	Purchase of Easement	1999	Special Legislation
328-00	Business: Adult Oriented	2000	Ch. 7; Art. II
329-00	Taxation	2000	Repealed #303
330-00	Prevailing Wage	2000	Special Legislation
331-00	Appropriation	2000	Special Legislation
332-00	Enterprise Zone	2000	Special Legislation
333-00	Addition to Street	2000	Special Legislation
334-00	Tax Levy	2000	Special Legislation
335-00	Motor Vehicles: Weight Limit	10/24/00	Ch. 24; Schd. "J"
336-00	Appropriation	2000	Special Legislation
337-00	G.O. Bonds	2000	Special Legislation
338-01	Taxation: Taxpayers Rights Code	02/12/01	Ch. 36; Art. VI
339-01	Taxation: Electric Utility	02/12/01	Ch. 36; Art V
340-01	Motor Vehicles: Signs	03/12/01	Ch. 24 Schedules
341-01	Addition to Street	2001	Special Legislation
342-01	G.O. Bonds	2001	Special Legislation
343-01	Bank Revenues	2001	Special Legislation
344-01	G.O. Bonds	2001	Special Legislation
345-01	Administration: Salaries	06/25/01	Section 1-3-1
346-01	Prevailing Wage	2001	Special Legislation
347-01	Appropriation	2001	Special Legislation
348-01	Garbage: Service Charge	09/10/01	Secs. 18-2-8; 18-2-10
349-01	Cable TV	09/24/01	Chapter 8
350-01	Vacation of Street	2001	Special Legislation
351-01	Tax Levy	2001	Special Legislation
352-01	Abate Tax Levy	2001	Special Legislation
353-01	Vacation of Street	2001	Special Legislation
354-02	Enterprise Zone	2002	Special Legislation
355-02	Prevailing Wage	2002	Special Legislation
356-02	Appropriation	2002	Special Legislation
357-02	Annexation: Cemetery	2002	Special Legislation
358-02	Annexation	2002	Special Legislation
359-02	Appropriation	2002	Special Legislation
360-02	Tax Levy	2002	Special Legislation
361-03	Lease of Space	2003	Special Legislation
362-03	Power Sales Contract Addendum	2003	Special Legislation
363-03	Abate Tax Levy	2003	Special Legislation
364-03	Administration: Appointments	05/12/03	Chapter 1
365-03	Motor Vehicles: Solicitation	06/09/03	Section 24-6-4
366-03	Vacation of Street	2003	Special Legislation
367-03	Prevailing Wage	2003	Special Legislation
368-03	Appropriation	2003	Special Legislation
369-03	Utilities: Water Rates	08/11/03	Section 38-4-11
370-03	Utilities: Deposits	08/25/03	Section 38-2-6
371-03	Business Code	09/08/03	Ch. 7; Art. III
372-03	Tax Levy	2003	Special Legislation
373-03	Abate Tax Levy	2003	Special Legislation
374-03	Annexation	2003	Special Legislation
375-03	Motor Vehicles: Engine Brakes	11/10/03	Section 24-4-11
376-03	Liquor: Closing Hours	11/24/03	Section 21-3-1
377-03	Enterprise Zone	2003	Special Legislation
378-03	Enterprise Zone	2003	Special Legislation
379-04	Enterprise Zone	2004	Special Legislation
380-04	Garbage: Fees	02/23/04	Secs. 18-2-8; 18-2-10
381-04	Motor Vehicles: Signs	03/08/04	Ch. 24 Schedules

ORD. #	TITLE	DATE	LOCATION IN CODE
382-04	Taxation: Telecommunications	03/08/04	Ch. 36; Art. IV
383-04	Business: Garage Sales	03/08/04	Ch. 7; Art. IV
384-04	Utilities: Bulk Water	04/26/04	Section 38-4-11(C)
385-04	Administration: Ethics Code	05/10/04	Ch. 1; Art. VI
386-04	Prevailing Wage	2004	Special Legislation
387-04	Utilities: Water Wells	06/14/04	Chapter 38
388-04	Administration: Appointments	06/14/04	Chapter 1
389-04	Utilities: Tap-On Fees	06/14/04	Sec. 38-4-10(A)
390-04	Appropriation	2004	Special Legislation
391-04	Motor Vehicles: Signs	10/11/04	Ch. 24 Schedules
392-04	Tax Levy	2004	Special Legislation
393-04	Tax Levy	2004	Special Legislation
394-04	Utilities: Water Services	11/08/04	Chapter 38
395-05	Motor Vehicles: Signs	01/10/05	Ch. 24; Schd. “A”; “B”; “C”; “E”
396-05	Electric: Rates	03/28/05	Section 11-1-1
397-05	Vacation of Alley	2005	Special Legislation
398-05	Sewers	04/25/05	Chapter 38
399-05	Appointments	05/09/05	Special Legislation
400-05	Prevailing Wage	2005	Special Legislation
401-05	Utilities: Sewer Tap-On	06/27/05	Section 38-5-23(C)
402-05	Appropriation	2005	Special Legislation
403-05	Tax Levy	2005	Special Legislation
404-05	Tax Levy	2005	Special Legislation
405-05	Utilities: Water Tap-On Fees	12/12/05	Section 38-4-10(A)
406-05	Liquor: Licenses	12/27/05	Section 21-2-6(E)
407-06	Purchase of Property	2006	Special Legislation
408-06	Vacation of Alley	2006	Special Legislation
409-06	Appointments	2006	Special Legislation
410-06	Zoning	06/12/06	Secs. 40-3-12; 40-3-14; 40-3-16; 40-4-16; 40-4-20; 40-4-64; 40-6-12; 40-10-6; 40-10-8
411-06	Street Name Change	06/12/06	Special Legislation
412-06	Prevailing Wage	2006	Special Legislation
413-06	Streets: Numbering	06/26/06	Ch. 33; Art. X
414-06	Appropriation	2006	Special Legislation
415-06	Motor Vehicles: Handicapped Parking	07/24/06	Ch. 24; Schd. “H”
416-06	Recreation and Parks: Hours	07/24/06	Section 31-2-15
417-06	Motor Vehicles: Skateboards	10/09/06	Chapter 24
418-06	Vacation of Easement	2006	Special Legislation
419-06	Withdraw of Membership in IMEA	2006	Special Legislation
420-06	Tax Levy	2006	Special Legislation
421-06	Tax Levy	2006	Special Legislation
422-06	Nuisances	01/08/07	Chapter 25
423-07	Appointments	2007	Special Legislation
424-07	Appointments	20074	Special Legislation
425-07	Nuisances	05/29/07	Chapter 25
426-07	Lease of Real Estate (Dairy Bar)	2007	Special Legislation
427-07	Prevailing Wage	2007	Special Legislation
428-07	Appropriation	2007	Special Legislation
429-07	Vacation of Alley	2007	Special Legislation
430-07	Tax Levy	2007	Special Legislation
431-07	Tax Levy	2007	Special Legislation
432-08	Animals: Excrement Removal	01/14/08	Secs. 3-1-1; 3-1-9

ORD. #	TITLE	DATE	LOCATION IN CODE
433-08	Utilities: Sewer Rates	01/28/08	Secs; 38-4-31; 38-4-34
434-08	Utilities: Water Rates	01/28/08	Secs. 38-4-7; 38-4-11
435-08	Utilities: Water Tap-On Fees	01/28/08	Section 38-4-10(A)
436-08	Electric: Rates	03/10/08	Section 11-1-1
437-08	Appointments	05/12/08	Special Legislation
438-08	Appointments	2008	Special Legislation
439-08	Prevailing Wage	2008	Special Legislation
440-08	Appropriation	2008	Special Legislation
441-08	G.O. Bonds	2008	Special Legislation
442-08	Sale of Personal Property	2008	Special Legislation
443-08	Tax Levy	2008	Special Legislation
444-08	Tax Levy	2008	Special Legislation
445-09	Mandated Policies: Identity Theft	03/09/09	Chapter 22
446-09	Electric Utility	2009	Special Legislation
447-09	Illinois Municipal Electric Agency	2009	Special Legislation
448-09	Sale of Real Estate	2009	Special Legislation
449-09	Borrowing of Funds	2009	Special Legislation
450-09	Purchase of Real Property	2009	Special Legislation
451-09	Purchase of Real Property	2009	Special Legislation
452-09	Appointments	2009	Special Legislation
453-09	Appointments	2009	Special Legislation
454-09	Prevailing Wage	2009	Special Legislation
455-09	Appropriation	2009	Special Legislation
456-09	Motor Vehicles: Golf Carts	09/14/09	Chapter 24
457-09	Dangerous and Unsafe Properties	09/14/09	Special Legislation
458-09	Tax Levy	2009	Special Legislation
459-09	Tax Levy	2009	Special Legislation
460-10	Utilities: Sewer Rates	03/08/10	Section 38-4-34
461-10	Vacation of Alley	2010	Special Legislation
462-10	Appointments	2010	Special Legislation
463-10	Appointments	2010	Special Legislation
464-10	Utilities: Utility Deposits	05/24/10	Section 38-2-6
465-10	Vacation of Alley	2010	Special Legislation
466-10	Prevailing Wage	2010	Special Legislation
467-10	Appropriation	2010	Special Legislation
468-10	Vacation of Alley	2010	Special Legislation
469-10	Administration: Salaries	08/23/10	Section 1-3-1
470-10	G.O. Bonds	2010	Special Legislation
471-10	G.O. Bonds	2010	Special Legislation
472-10	G.O. Bonds	2010	Special Legislation
473-10	Appropriation	2010	Special Legislation
474-10	Tax Levy	2010	Special Legislation
475-10	Tax Levy	2010	Special Legislation
476-10	Tax Levy	2010	Special Legislation
477-11	Zoning: Political Signs	01/24/11	Section 40-6-10(C)
478-11	Mandated Policies: Social Security Numbers	02/14/11	Chapter 22
479-11	Health Regulations: Clean-Up Day Fees	02/28/11	Secs. 18-3-8 – 18-3-10
480-11	Public Safety: Part-Time Police Officers	03/28/11	Section 30-2-30
481-11	Appointments	05/09/11	Special Legislation
482-11	Appointments	05/09/11	Special Legislation
483-11	Appointments	05/09/11	Special Legislation
484-11	Prevailing Wage	2011	Special Legislation
485-11	Dangerous and Unsafe Property: 305 S Edwards	2011	Special Legislation
486-11	Appropriation	2011	Special Legislation
487-11	Purchase Property: Jefferson St Water Main Extension	2011	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
488-11	Purchase Property: Jefferson St Water Main Extension	2011	Special Legislation
489-11	Purchase Property: Jefferson St Water Main Extension	2011	Special Legislation
490-11	Purchase Property: Jefferson St Water Main Extension	2011	Special Legislation
491-11	Health Regulations: Garbage	08/22/11	Section 18-2-8
492-11	Offenses: Open Burning	10/10/11	Ch. 27; Art. IX
493-11	Appointments	10/10/11	Special Legislation
494-11	Motor Vehicles: Signs	10/10/11	Ch. 24 Schedules
495-11	Purchase of Property: 6 N 4th St	2011	Special Legislation
496-11	Loan: 6 N 4th St	2011	Special Legislation
497-11	Purchase of Property: H&B Farms Green Space	2011	Special Legislation
498-11	Purchase of Dedication of Right of Way	2011	Special Legislation
499-11	IMLRMA Agreement	2011	Special Legislation
500-11	Appropriation	2011	Special Legislation
501-11	Tax Levy	2011	Special Legislation
502-11	Tax Levy	2011	Special Legislation
503-11	Tax Levy	2011	Special Legislation
504-11	Enterprise Zone	2011	Special Legislation
505-12	Utilities: Sewer Rates	01/09/12	Section 38-4-34
506-12	Liquor: Classes	01/09/12	Section 21-2-6
507-12	Franchises: Gas	04/09/12	Ch. 15; App. "A"
508-12	Appointments	05/14/12	Special Legislation
509-12	Appointments	05/14/12	Special Legislation
510-11	Employee Matter: Discharge of Supervisor	2012	Special Legislation
511-12	Public Safety: Part-Time Police Officers	05/29/12	Section 30-2-30
512-12	Liquor: Gambling	05/29/12	Section 21-3-17
513-12	Prevailing Wage	2012	Special Legislation
514-12	Recreation and Parks: Hours	06/25/12	Section 31-2-15
515-12	Appropriation	2012	Special Legislation
516-12	Appointments	08/13/12	Special Legislation
517-12	Utilities: Deposits	08/27/12	Section 38-2-6
518-12	Cemetery	09/10/12	Secs. 9-2-4; 9-2-5
519-12	Appointments	2012	Special Legislation
520-12	Utility Easement	2012	Special Legislation
521-12	Renaming of Street	2012	Special Legislation
522-12	IMLRMA Agreement	2012	Special Legislation
523-12	Appropriation	2012	Special Legislation
524-12	Tax Levy	2012	Special Legislation
525-12	Tax Levy Abatement: Water	2012	Special Legislation
526-12	Tax Levy Abatement: Electric	2012	Special Legislation
527-13	Electric	01/14/13	Ch. 11; Art. III
528-13	Liquor: Gambling Devices	01/14/13	Section 21-3-17
529-13	Liquor	02/11/13	Secs. 21-1-1; 21-2-2; 21-2-4
530-13	Cemetery: Decorations	02/25/13	Secs. 9-2-6 – 9-2-10
531-13	Execute Loan Agreement – IEPA	2013	Special Legislation
532-13	Appointments	2013	Special Legislation
533-13	Appointments	2013	Special Legislation
534-13	Utilities: Sewer Rates	2013	Chapter 38
535-13	Prevailing Wage	2013	Special Legislation
536-13	Appropriation	2013	Special Legislation
537-13	Lease of Property: 600 S Main	2013	Special Legislation
538-13	Easement Purchase: 875th St - Schultz	2013	Special Legislation
539-13	Motor Vehicles: Signs	09/28/13	Ch. 24 Schedules
540-13	Public Safety: Police Officers	10/28/13	Section 30-2-29
541-13	Liquor: Video Gaming Facility	12/23/13	Section 21-2-6(G)

ORD. #	TITLE	DATE	LOCATION IN CODE
542-13	IMLRMA Agreement	2013	Special Legislation
543-13	Not Used		
544-13	Tabled		
545-13	Appropriation	2013	Special Legislation
546-13	Tax Levy	2013	Special Legislation
547-13	Tax Levy Abatement: Water	2013	Special Legislation
548-13	Tax Levy Abatement: Electric	2013	Special Legislation
549-13	Utilities: Sewer Rates	2013	Chapter 38
550-13	Manufactured Homes	12/23/13	Secs. 23-1-10; 23-2-1; 23-3-8
551-14	Purchase of Property: Baptist Church	2014	Special Legislation
552-14	Utility Easements: So Coles	2014	Special Legislation
553-14	Mandated Policies: Fair Housing	03/10/14	Chapter 22
554-14	Tree Code	03/24/14	Secs. 35-1-6; 35-1-8; 35-1-12
557-14	Health Regulations: Garbage Charges	2014	Chapter 18
560-14	Cable TV: Fees	10/22/14	Ch. 8; Art. II
561-14	Street Construction: Right of Way Procedures	2014	Ch. 33; Art. IV
562-14	Offenses: Concealed Weapons	11/10/14	Section 27-2-19
563-14	IMLRMA Agreement	2014	Special Legislation
564-14	Utilities: Sewer Capping Line	11/10/14	Section 38-5-29
565-14	Buildings: Demolition	11/10/14	Chapter 6
566-14	Tax Levy	2014	Special Legislation
567-14	Tax Levy Abatement: Water	2014	Special Legislation
568-14	Tax Levy Abatement: Electric	2014	Special Legislation
569-15	Appointments	2015	Special Legislation
570-15	Appointments	2015	Special Legislation
571-15	Tree Code	06/22/15	Section 35-1-12
572-15	Prevailing Wage	2015	Special Legislation
573-15	Appropriation	2015	Special Legislation
574-15	TIF: Interested Parties	2015	Chapter 37
575-15	Public Hearing Date	2015	Special Legislation
576-15	IMLRMA Agreement	2015	Special Legislation
577-15	Tax Levy	2015	Special Legislation
578-15	Tax Levy Abatement: Water	2015	Special Legislation
579-15	Tax Levy Abatement: Electric	2015	Special Legislation
580-15	Establishing Business District	2015	Special Legislation
581-15	Establishing TIF District	2015	Special Legislation
582-15	Designating TIF Area	2015	Special Legislation
583-15	TIF Financing	2015	Special Legislation
584-16	Solar Net Metering & Interconnection	2015	Special Legislation
585-16	Animals: Cat Regulations	04/11/16	Secs. 3-1-1; 3-1-8; 3-1-10; 3-1-11; 3-2-8
586-16	Not Used		
587-16	Appointments	2016	Special Legislation
588-16	Appointments	2016	Special Legislation
589-16	Easement	2016	Special Legislation
590-16	Annexation: Sporty's	2016	Special Legislation
592-16	Utilities: Water Rates	2016	Chapter 38
593-16	Prevailing Wage	2016	Special Legislation
594-16	Liquor	2016	Secs. 21-2-6(A); 21-3-1
595-16	Repealing TIF: Opilka	2016	Special Legislation
596-16	TIF Agreement: Opilka	2016	Special Legislation
597-16	TIF Agreement: Irwin Seating	2016	Special Legislation
598-16	Appropriation	2016	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
599-16	Motor Vehicles: Signs	08/08/16	Ch. 24 Schedules
600-16	TIF Agreement: Deb's Catering	2016	Special Legislation
601-16	TIF Agreement: Wortman	2016	Special Legislation
602-16	Business District Agreement: Wortman	2016	Special Legislation
603-16	IMLRMA Agreement	2016	Special Legislation
604-16	Appointments	2016	Special Legislation
605-16	Tax Levy	2016	Special Legislation
606-16	Tax Levy Abatement: Water	2016	Special Legislation
607-17	Tax Levy Abatement: Electric	2016	Special Legislation
608-16	TIF Agreement Amendment: Irwin Seating	2016	Special Legislation
609-16	KNR Tower Lease	2016	Special Legislation
610-17	Motor Vehicles: Signs	08/08/16	Ch. 24 Schedules
611-17	TIF Extension: Opilka	2017	Special Legislation
612-17	TIF Extension: Deb's Catering	2017	Special Legislation
613-17	Appointments	2017	Special Legislation
614-17	Appointments	2017	Special Legislation
615-17	G.O. Bonds: Storm Sewer	2017	Special Legislation
616-17	Prevailing Wage	2017	Special Legislation
617-17	Appropriation	2017	Special Legislation
618-17	TIF Agreement Amendment: Opilka	2017	Special Legislation
619-17	Motor Vehicles: Weight Limits	2017	Chapter 24
620-17	Utilities: Sewer Elevation Connection	09/25/17	Section 38-5-29
621-17	Zoning Code: Fences	09/25/17	Section 40-5-3(I)
622-17	IMLRMA Agreement	2017	Special Legislation
623-17	Appointments	2017	Special Legislation
624-17	Tax Levy	2017	Special Legislation
625-17	Tax Levy Abatement: Electric	2017	Special Legislation
626-17	Tax Levy Abatement: Water	2017	Special Legislation
627-17	EJ Water Interconnection Agreement	2017	Special Legislation
628-17	Franchises: Gas	12/26/17	Chapter 15
629-17	Gilbert Park Easement	2017	Special Legislation
630-17	Mandated Policies: Harassment	01/02/18	Chapter 22
631-18	Repeals #629-17	2018	Special Legislation
632-18	Recreation: Gilbert Park Ball Diamond Fee	02/26/17	Chapter 31
633-18	Utilities: Grease Trap Penalties	02/19/18	Section 38-5-97(C)(D)(E)
634-18	Business District: Wortman Agreement	2018	Special Legislation
635-18	Health Regulations: Sanitation Contract	03/12/18	Special Legislation
636-18	Appointments	2018	Special Legislation
637-18	Appointments	2018	Special Legislation
639-18	Utilities: Water Rates	2018	Denied
640-18	Appropriation	2018	Special Legislation
641-18	Easement Agreement: Senior Living Apts	2018	Special Legislation
642-18	Dangerous & Unsafe Property: 6 Tower Ln	2018	Special Legislation
643-18	TIF Agreement: Subway	2018	Special Legislation
644-18	Dangerous & Unsafe Property: 413 S Fourth St	09/10/18	Special Legislation
645-18	Sale of Real Estate: 303 N Main	2018	Special Legislation
646-18	Purchase of Easement – Water Line (101 W Cumberland)	2018	Special Legislation
647-18	Purchase of Easement – Water Line (202 W Cumberland)	2018	Special Legislation
648-18	TIF Agreement: Frost Holdings	2018	Special Legislation
649-18	Appropriation	2018	Special Legislation
650-18	Tax Levy	2018	Special Legislation
651-18	Tax Levy Abatement: Water	2018	Special Legislation
652-18	Tax Levy Abatement: Electric	2018	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
653-18	Mandated Policies: Harassment	11/26/18	Chapter 22
653-18	IMLRMA Agreement	2018	Special Legislation
654-18	TIF Agreement Amendment: Subway	2018	Special Legislation
655-19	Net Metering & Interconnection	02/11/19	Repealed
656-19	Solar Siting	2019	Special Legislation
657-19	TIF Agreement: Kelly	2019	Special Legislation
658-19	TIF Agreement: Wortman	2019	Special Legislation
659-19	Business District Agreement: Wortman	2019	Special Legislation
660-19	Annexation: Schultz	2019	Special Legislation
663-19	Electric Bonds Refinance	2019	Special Legislation
664-19	Water Bonds Refinance	2019	Special Legislation
665-19	TIF Agreement: Beck's Auto Body	2019	Special Legislation
666-19	Easement – IMEA Solar Units	2019	Special Legislation
667-19	Zoning: Solar Energy Systems	07/08/19	Secs. 40-2-2; 40-5-16
668-19	Appropriation	2019	Special Legislation
669-19	Lease Assignment: 600 S Main	2019	Special Legislation
670-19	Taxation: Cannabis Retailers Tax	09/23/19	Ch. 36; Art. VII
671-19	Motor Vehicles: Golf Carts	09/23/19	Section 24-9-5(D); Ex A-1
672-19	Administration: Expense Reimbursement	09/23/19	Section 1-2-38
673-19	Business District Agreement: Wortman	2019	Special Legislation
674-19	TIF Agreement: Wortman	2019	Special Legislation
675-19	Enterprise Zone	2019	Special Legislation
676-19	IMLRMA Agreement	2019	Special Legislation
677-19	Enterprise Zone	2019	Special Legislation
678-19	Appropriation	2019	Special Legislation
679-19	Tax Levy	2019	Special Legislation
680-19	Tax Levy Abatement	2019	Special Legislation
681-19	Tax Extension: Kelly	2019	Special Legislation
682-19	KNR Tower Lease	2019	Special Legislation
683-20	Offenses: Cannabis Sales	01/13/20	Ch. 27; Art. X
684-20	Lease: El Rancherito	2020	Special Legislation
684-24	Lease: 600 S Main	2020	Special Legislation
685-20	Utilities: Water Rates	2020	Denied
686-20	TIF Amendment: Kelly	2020	Special Legislation
687-20	Appointments	2020	Special Legislation
688-20	Appointments	2020	Special Legislation
689-20	Purchase Utility Easement: 3019 E Mill Rd	2020	Special Legislation
690-20	TIF Amendment 3: Kelly	2020	Special Legislation
691-20	TIF: Schmidt & Polk	2020	Special Legislation
692-20	Appropriation	2020	Special Legislation
693-20	Mandated Policies: Harassment	07/29/20	Chapter 22
694-20	Motor Vehicles: Signs	07/27/20	Ch. 24 Schedules
695-20	TIF Amendment: Kelly	2020	Special Legislation
696-20	Local CURE Program	09/14/20	Special Legislation
697-20	Offenses: Noise Control	10/12/20	Ch. 27; Art. XI
698-20	IMLRMA Agreement	2020	Special Legislation
699-20	Water Sales	2020	Special Legislation
699-20	Utilities: Capital Improvement Fee (Water)	11/23/20	Secs. 38-4-7; 38-4-11(D)
700-20	Easement: Equity	2020	Special Legislation
701-20	TIF Agreement: Equity	2020	Special Legislation
702-20	Appropriation	2020	Special Legislation
703-20	Tax Levy	2020	Special Legislation
704-20	Tax Levy Abatement: Water	2020	Special Legislation
705-21	Authorize Purchase: South Point Subdivision	2021	Special Legislation
706-21	Easement Purchase: 100 Oak St (Water)	2021	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
707-21	Appointments	2021	Special Legislation
708-21	Appointments	2021	Special Legislation
709-21	Easement: Schultz	2021	Special Legislation
710-21	Appropriation	2021	Special Legislation
711-21	Frederking Land Option	2021	Special Legislation
712-21	Approve ARP Funding Award	2021	Special Legislation
713-21	Annexation: Frederking	2021	Special Legislation
714-21	Liquor: Outdoor Seating	08/23/21	Section 21-1-1
715-21	TIF 2 Plan	2021	Special Legislation
716-21	TIF 2 Designating	2021	Special Legislation
717-21	TIF 2 Adopting	2021	Special Legislation
718-21	IMLRMA Agreement	2021	Special Legislation
719-21	Animals	11/22/21	Secs. 3-1-1; 3-1-2; 3-1-6
720-21	Appropriation	2021	Special Legislation
721-21	Zoning	11/22/21	Secs. 40-2-2; 40-4-20
722-21	Tax Levy	2021	Special Legislation
723-21	Tax Levy Abatement	2021	Special Legislation
724-21	Appointments	2021	Special Legislation
725-21	Not Used		
726-21	Purchase Utility Easement: 9585 N 200th (Electric)	2021	Special Legislation
727-22	Leave Agreement: 600 S Main	2021	Special Legislation
728-22	Easement: Dan Milleville	2021	Special Legislation
729-22	Easement: Randy Milleville	2021	Special Legislation
730-22	Easement: Rich Kelly	2021	Special Legislation
731-22	Net Metering Policy	03/28/22	Ch. 11; Art. III
732-22	Establish Solar Avoided Cost Rate	2022	Special Legislation
733-22	Liquor: Video Gaming Fee	03/28/22	Section 21-3-17(C)
734-22	Dangerous & Unsafe Structure: 301 S Edwards	2022	Special Legislation
735-22	Easement: BK Resources	2022	Special Legislation
736-22	Pay Early Retirement	04/11/22	Section 1-2-41(C)
737-22	TIF Agreement: American Legion	2022	Special Legislation
738-22	FCC Option Extension	2022	Special Legislation
739-22	Purchase 301 N Mail (Miller)	2022	Special Legislation
740-22	Appointments	2022	Special Legislation
741-22	Appointments	2022	Special Legislation
742-22	Utilities: Water Rates	06/27/22	Section 38-4-11(A)(B)
743-22	Purchase Utility Easement: 11496 N 400th St (Electric)	2022	Special Legislation
744-22	Purchase 301 S Edwards	2022	Special Legislation
745-22	Easement: Charles Siebert	2022	Special Legislation
746-22	TIF Agreement: Wendling	2022	Special Legislation
747-22	Wurl Lane Dead End Street	09/12/20	Special Legislation
748-22	TIF Agreement: NV Spa	2022	Special Legislation
749-22	Gilbert Park Sign Agreement Program	2022	Special Legislation
750-22	Utilities: Water Rates	10/24/22	Section 38-4-11(A)(B)
751-22	KNR Water Tower Lease	2022	Special Legislation
752-22	KNR Tower Lease – Water Plant	2022	Special Legislation
753-22	IMLRMA Agreement	2022	Special Legislation
754-22	Appropriation	2022	Special Legislation
755-22	Tax Levy	2022	Special Legislation
756-22	Tax Levy Abatement	2022	Special Legislation
757-22	Disconnecting Property from City: 2700 E Empire Dr	2022	Special Legislation
758-22	Sale of Property: 2700 E Empire Dr	2022	Special Legislation
759-22	Purchase Utility Easement: 8855 N 500th St (Water)	2022	Special Legislation
760-22	Purchase Utility Easement: 5014 E 900th St (Water)	2022	Special Legislation
761-22	Purchase Utility Easement: E 900th St (Water)	2022	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
762-22	Purchase Utility Easement: 5360 E 900th St (Water)	2022	Special Legislation
763-22	Purchase Utility Easement: 5262 E 900th St (Water)	2022	Special Legislation
764-22	Purchase Utility Easement: E 900th St (Water)	2022	Special Legislation
765-22	Purchase Utility Easement: 9099 N 500th St (Water)	2022	Special Legislation
766-23	Lease of 600 S Main	2023	Special Legislation
767-23	Amending Solar Avoided Cost Rate	2023	Special Legislation
768-23	TIF Agreement: Behl	2023	Special Legislation
468-23-1	Appointments	2023	Special Legislation
769-23	Appointments	2023	Special Legislation
770-23	FCC 2nd Option	2023	Special Legislation
771-23	Appropriation	2023	Special Legislation
772-23	TIF Agreement: Whistle Stop	2023	Special Legislation
773-23	TIF Agreement: Relax Inn	2023	Special Legislation
774-23	TIF Agreement: Kremer Pharmacy	2023	Special Legislation
775-23	TIF Agreement: Skin Refinery	2023	Special Legislation
776-23	IMLRMA Agreement	2023	Special Legislation
777-23	Lease: Effingham Co Emergency Phone	2023	Special Legislation
778-23	TIF Agreement: Lukes	2023	Special Legislation
779-23	Appropriation	2023	Special Legislation
780-23	Tax Levy	2023	Special Legislation
781-23	Tax Levy Abatement	2023	Special Legislation
782-23	Paid Workers Leave Act	12/11/23	Special Legislation
783-24	Lease: Cemetery Farm Ground	2024	Special Legislation
785-24	Solar Avoided Cost Rate	2024	Special Legislation
786-24	Gilbert Park Diamond Use Fees	2024	Special Legislation
787-24	IMEA Purchase Contract & Capacity Agreement	2024	Special Legislation
788-24	Sale of Lots: South Point Subdivision	2024	Special Legislation
789-24	FCC Option Extension	2024	Special Legislation
790-24	Gilbert Park Diamond Use Fees	05/13/24	Section 31-2-16
791-24	Appointments	2024	Special Legislation
792-24-A	Appointments	2024	Special Legislation
792-24	Zoning: Connex Containers	2024	
793-24	Sale of 107 N Main	2024	Denied
794-24	Motor Vehicles: Signs	07/10/24	Ch. 24 Schedules
795-24	Electronic Payments Convenience Fee	07/10/24	Section 1-2-42
796-24	Health: Sanitation Contract	07/22/24	Special Legislation
797-24	Health: Garbage Charges	2024	Section 18-2-8
798-24	Administration: Electronic Meeting Attendance	2024	Chapter 1
799-24	Appropriation	2024	Special Legislation
800-24	Sale of 107 N Main	2024	Tabled
801-24	Dangerous & Unsafe Structure: 107 S Main	2024	Special Legislation
802-24	Flood Plain Code	10/14/24	Chapter 14
803-24	Purchase of Easement: 202 W Cumberland Rd (Water)	2024	Special Legislation
804-24	IMLRMA Agreement	2024	Ch. 1; Art. V
805-24	Utilities: Water Capital Improvement Fee	10/25/24	Section 38-4-11(D)
806-24	Wholesale Connection Agreement	11/13/24	Special Legislation
807-24	Disconnecting from City: South Point/E Empire Dr	2024	Special Legislation
808-24	Sale of Property: South Point/E Empire Dr	2024	Special Legislation
809-24	Sale of Property: South Point/E Empire Dr	2024	Special Legislation
810-24	Sale of Property: South Point/E Empire Dr	2024	Special Legislation
811-24	Appropriation	2024	Special Legislation
812-24	Tax Levy	2024	Special Legislation
813-24	Tax Levy Abatement	2024	Special Legislation
814-24	TIF Agreement: Whistle Stop	2024	Special Legislation
815-25	Solar Avoided Cost Rate	03/10/25	

ORD. #	TITLE	DATE	LOCATION IN CODE
816-25	Gilbert Park Diamond Use Fees	05/13/25	Section 31-2-16
817-25	Nuisances	03/10/25	Secs. 25-1-1; 25-2-8; 25-2-9; 25-2-10; 25-2-11(C); 25-2-12; 25-3-2
818-25	Sale of 301 N Main	2025	Special Legislation
819-25	FCC Option Withdrawal	2025	Special Legislation
820-25	Advertising Sign Permit: Beck's	2025	Special Legislation
821-25	Gilbert Park Sign Permit Agreement	2025	Special Legislation
822-25	Appointments	2025	Special Legislation
823-25	Appointments	2025	Special Legislation
824-25	TIF Agreement: Masonic Lodge	2025	Special Legislation
825-25	TIF Agreement: Masonic Lodge	2025	Special Legislation
826-25	Sale of 107 N Main	2025	Tabled
827-25	Taxation: Grocery Tax	05/27/25	Ch. 36; Art. VIII
828-25	Gilbert Park Sign Permit: Nelson Trucking	2025	Special Legislation
829-25	Gilbert Park Sign Permit: Weber Optiks	2025	Special Legislation
830-25	Return-to-Work Policy	06/23/25	Special Legislation
831-25	Appointed Salaries	2025	Special Legislation
832-25	Appropriation	2025	Special Legislation
833-25	TIF Agreement: Andrews Eats	2025	Special Legislation
834-25	TIF Agreement: Schultz Family	2025	Special Legislation
835-25	Not Used		
836-25	TIF Agreement: RDM Cabinetry	2025	Special Legislation
837-25	Purchase of Kull Property	2025	Special Legislation
838-25	TIF Agreement: Holste	2025	Special Legislation
839-25	Sale of 703 Field Street	2025	Special Legislation
840-25	TIF Agreement: Bannister Properties	2025	Special Legislation
841-25	Sign Ordinance	2025	Special Legislation
842-25	Utilities: Infrastructure Fee	2025	Chapter 38
843-25	Purchase W. Washington Ave.	2025	Special Legislation
844-25	Administration: IMLRMA	2025	Chapter 1
845-25	Electric: Rates	2025	Chapter 11
846-25	Appropriation	2025	Special Legislation
847-25	Tax Levy	2025	Special Legislation
848-25	Appropriation Abatement	2025	Special Legislation
849-25	Purchase Agreement Addendum	2025	Special Legislation
850-25	TIF Agreement: Masonic Lodge	2025	Special Legislation
851-26	TIF Agreement: Deb's Catering	2026	Special Legislation
852-26	TIF Agreement: RDM Cabinetry	2026	Special Legislation
853-26	TIF Agreement: A&H Auto Repair	2026	Special Legislation
854-26	TIF Agreement: Splechter Enterprises	2026	Special Legislation
855-26	Business: Mobile Food Trucks	2026	Chapter 7
856-26	Legal Council Appointment	2026	Special Legislation
857-26	Real Estate Lease: Mobile Food Service	2026	Special Legislation
858-26	Electric Easement: Diamond Development	2026	Special Legislation
859-26	Electric: Net Metering	2026	Chapter 11

CHAPTER 1 - ADMINISTRATION

ARTICLE		TITLE	PAGE
1		GENERAL CODE PROVISIONS	
		Division I - Title	
	Section 1-1-1	- Title	1-1
	Section 1-1-2	- Acceptance	1-1
	Section 1-1-3	- Amendments	1-1
	Section 1-1-4	- Code Alteration	1-1
	Section 1-1-5	- Jurisdiction	1-1
	Section 1-1-6	- 1-1-7 Reserved	
		Division II - Saving Clause	
	Section 1-1-8	- Repeal of General Ordinances	1-2
	Section 1-1-9	- Public Utility Ordinances	1-2
	Section 1-1-10	- Court Proceedings	1-2
	Section 1-1-11	- Severability of Provisions	1-2
	Section 1-1-12	- City Clerk's Certificate	1-3
	Section 1-1-13	- 1-1-14 Reserved	
		Division III - Definitions	
	Section 1-1-15	- Construction of Words	1-3
	Section 1-1-16	- Definitions	1-3
	Section 1-1-17	- Catchlines	1-5
	Section 1-1-18	- 1-1-19 Reserved	
		Division IV - General Penalty	
	Section 1-1-20	- Penalty	1-5
	Section 1-1-21	- Minor Violations Penalty	1-6
	Section 1-1-22	- Service by Certified Mail	1-6
	Section 1-1-23	- Application	1-6
	Section 1-1-24	- Liability of Officers	1-7
	Section 1-1-25	- License	1-7
II		COMMISSIONERS	
		Division I – Generally	
	Section 1-2-1	- Composition and General Powers	1-8
	Section 1-2-2	- Vacancies – Appointment	1-8
	Section 1-2-3	- Meetings	1-8
	Section 1-2-4	- Special Meetings	1-8
	Section 1-2-5	- Quorum	1-8
	Section 1-2-6	- 1-2-9 Reserved	
		Division II – City Administration and Departments	
	Section 1-2-10	- City Departments	1-9
	Section 1-2-11	- Commissioners are Superintendents of Departments	1-9
	Section 1-2-12	- Department Regulations	1-9
	Section 1-2-13	- Department of Public Affairs	1-9
	Section 1-2-14	- Department of Accounts and Finances	1-10
	Section 1-2-15	- Department of Public Health and Safety	1-11
	Section 1-2-16	- Commissioner of Streets and Public Improvements – General Powers and Duties – Subordinates	1-11

ARTICLE	TITLE		PAGE
II	COMMISSIONERS (CONTINUED)		
	Division II – City Administration and Departments (Continued)		
	Section 1-2-17	- Department of Public Property	1-12
	Section 1-2-18	- 1-2-19 Reserved	
	Division III - Rules of the City Council		
	Section 1-2-20	- Rules of the Council	1-12
	Section 1-2-21	- Address by Non-Members	1-15
	Section 1-2-22	- Reserved	
	Division IV - Ordinances		
	Section 1-2-23	- Ordinances	1-16
	Section 1-2-24	- 1-2-25 Reserved	
	Division V – General Provisions		
	Section 1-2-26	- Corporate Seal	1-16
	Section 1-2-27	- Elections	1-17
	Section 1-2-28	- Municipal Officers – Regulations	1-17
	Section 1-2-29	- Resignation of Appointed Officials	1-18
	Section 1-2-30	- Qualifications; Elective Office	1-18
	Section 1-2-31	- Bonds of City Officers	1-18
	Section 1-2-32	- Liability Insurance	1-19
	Section 1-2-33	- Bidding and Contract Procedures	1-19
	Section 1-2-34	- Interests in Contracts Prohibited	1-21
	Section 1-2-35	- Salaries Regulation	1-23
	Section 1-2-36	- Claims	1-23
	Section 1-2-37	- Municipal Year	1-24
	Section 1-2-38	- Expense Reimbursement Policy	1-24
	Section 1-2-39	- Official Records	1-25
	Section 1-2-40	- Federal Old Age and Survivor's Insurance System	1-25
	Section 1-2-41	- Illinois Municipal Retirement Fund	1-25
	Section 1-2-42	- Electronic Payments	1-25
	Section 1-2-43	- 1-2-46 Reserved	
	Division VI – Vacancies		
	Section 1-2-47	- Vacancy by Resignation	1-26
	Section 1-2-48	- Vacancy by Death or Disability	1-26
	Section 1-2-49	- Vacancy by Other Causes	1-26
	Section 1-2-50	- Election of an Acting Mayor	1-27
	Section 1-2-51	- Appointment to Fill Alderman Vacancy	1-27
	Section 1-2-52	- Election to Fill Vacancies in Municipal Offices with Four (4) Year Terms	1-27
	Section 1-2-53	- Vacancies Due to Election Being Declared Void	1-28
	Section 1-2-54	- Owing a Debt to the Municipality	1-28
	Section 1-2-55	- 1-2-56 Reserved	
III	CITY OFFICIALS		
	Division I – City Clerk		
	Section 1-3-1	- Appointment of Clerk	1-29
	Section 1-3-2	- Council Minutes - Records	1-29
	Section 1-3-3	- Delivery of Papers to Officers	1-29
	Section 1-3-4	- Preparation of Documents; Commissions; Licenses	1-29
	Section 1-3-5	- Report of Licenses	1-29

ARTICLE	TITLE		PAGE
III	CITY OFFICIALS (CONTINUED)		
	Division I – City Clerk (Continued)		
	Section 1-3-6	- License Plates	1-29
	Section 1-3-7	- Administration of Oaths	1-29
	Section 1-3-8	- Outstanding Bonds	1-29
	Section 1-3-9	- Reports	1-30
	Section 1-3-10	- Successor	1-30
	Section 1-3-11	- Deputy Clerk	1-30
	Section 1-3-12	- Warrant Register	1-30
	Section 1-3-13	- Finances	1-30
	Section 1-3-14	- Appropriation	1-30
	Section 1-3-15	- Notification of Persons Appointed	1-31
	Section 1-3-16	- Other Duties	1-31
	Section 1-3-17	- 1-3-19 Reserved	
	Division II – City Treasurer		
	Section 1-3-20	- Finance Department	1-31
	Section 1-3-21	- Appointment of Treasurer	1-31
	Section 1-3-22	- Separation of Funds	1-31
	Section 1-3-23	- Bond	1-31
	Section 1-3-24	- Bookkeeping; Payroll	1-31
	Section 1-3-25	- Statements	1-32
	Section 1-3-26	- Annual Accounts; Preparation and Filing; Contents; Publication	1-32
	Section 1-3-27	- Deposit of Funds	1-32
	Section 1-3-28	- 1-3-29 Reserved	
	Division III – City Attorney		
	Section 1-3-30	- Position Established	1-33
	Section 1-3-31	- Prosecute for City	1-33
	Section 1-3-32	- Preparation of Ordinances	1-33
	Section 1-3-33	- Judgments	1-33
	Section 1-3-34	- Department Advisor	1-34
	Section 1-3-35	- Violations of Ordinances	1-34
	Section 1-3-36	- Prosecution of Suits	1-34
	Section 1-3-37	- 1-3-39 Reserved	
	Division IV – City Engineer		
	Section 1-3-40	- Appointment	1-34
	Section 1-3-41	- Oath	1-34
	Section 1-3-42	- Maps, Plats and Records	1-34
	Section 1-3-43	- Duties	1-34
	Section 1-3-44	- 1-3-45 Reserved	
	Division V – Superintendent of Public Works		
	Section 1-3-46	- Office Created	1-35
	Section 1-3-47	- Streets	1-35
	Section 1-3-48	- Department Employees	1-35
	Section 1-3-49	- Property Custodian	1-35
	Section 1-3-50	- Other Duties	1-35
	Section 1-3-51	- 1-3-54 Reserved	

ARTICLE		TITLE	PAGE
III	CITY OFFICIALS (CONTINUED)		
	Division VI – Code Enforcement Officer - Zoning Administrator		
	Section 1-3-55	- Creation of Position	1-35
	Section 1-3-56	- Duties	1-35
IV	SALARIES		
	Section 1-4-1	- Established	1-37
V	MANAGEMENT ASSOCIATION		
	Section 1-5-1	- Participation	1-37
	Section 1-5-2	- Contribution	1-37
VI	MEETING PROTOCOLS		
	Division I – Recording Closed Meetings		
	Section 1-6-1	- Recording Closed Sessions	1-38
	Section 1-6-2	- Responsibility for Recording Closed Sessions and Maintaining Recordings	1-38
	Section 1-6-3	- Closed Session Minutes	1-38
	Section 1-6-4	- Procedure for Recording	1-38
	Section 1-6-5	- Back-Up Equipment/Procedure for Equipment Malfunction	1-38
	Section 1-6-6	- Procedure for Review of Closed Session Minutes and Recordings	1-38
	Section 1-6-7	- Maintenance and Public Release of Recordings and Access to Tapes	1-39
	Section 1-6-8	- Procedure for Destruction of Recordings	1-39
	Section 1-6-9	- 1-6-10 Reserved	
	Division II – Remote Meeting Participation		
	Section 1-6-11	- Statutory Authority for Participation	1-39
	Section 1-6-12	- Definition of Meeting	1-39
	Section 1-6-13	- Amendment of Previous Terms	1-39
	Section 1-6-14	- Remote Participation Policies	1-39
	Addendum “A”	- Governmental Unit Remote Attendance Policy	1-40
	Addendum “B”	- Request for Auxiliary Aid(s) and/or Service(s)	1-41
	Addendum “C”	- Expense Reimbursement Form	1-42
	Addendum “D”	- Government Unit Remote Attendance Policy During a Disaster Declaration	1-43

EXHIBIT "A"

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL CODE PROVISIONS

DIVISION I - TITLE

1-1-1 TITLE. Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the Official City Code. The **"Revised Code of Ordinances"** shall be known and cited as the **"City Code",** and it is hereby published by authority of the City Council and shall be kept up to date as provided in **Section 1-1-3** under the direction of the City Attorney, acting for said City Council. 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 City Code by title in any legal document. **(See 65 ILCS 5/1-2-3)**

1-1-2 ACCEPTANCE. The City 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 City of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8. (See 65 ILCS 5/1-2-6)**

1-1-3 AMENDMENTS. Any ordinance amending this City 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 City Code. All such amendments or revisions by ordinance shall be semiannually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semiannual basis. **(See 65 ILCS 5/1-3-5)**

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 City 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 City Council. The City 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 the City 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 City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council.

1-1-5 JURISDICTION. Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the City. 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 City 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 City 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 section],** from which are excluded the following ordinances which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the City; 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 City Code, or by virtue of the preceding section, excepting as this City 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 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 City 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 City under any ordinance or provision thereof in force at the time of the adoption of this City 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 CITY CLERK'S CERTIFICATE. The City Clerk's Certificate shall be in the following form:

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF EFFINGHAM) ss. CITY CLERK'S OFFICE
CITY OF ALTAMONT)

I, Sarah Stephen, City Clerk of the **City of Altamont, Illinois,** do hereby certify that the following **Revised Code of Ordinances of the City of Altamont, Illinois of 2026,** published by authority of the City Council were duly passed by the City Council of the **City of Altamont, Illinois,** signed 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 **City of Altamont, Illinois,** this 14th day of September, 2026.

SARAH STEPHEN, CITY CLERK
CITY OF ALTAMONT

(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.

"CITY" shall mean the City of Altamont, Illinois.

"CODE" OR "THIS CODE" shall mean the **"Revised Code of Ordinances of the City of Altamont, Illinois".**

"COMMISSIONER OR COUNCIL" unless otherwise indicated shall mean the Mayor and Commissioners of this City. **(See 65 ILCS 5/4-3-3)**

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

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

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

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

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

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

"MISDEMEANOR" **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 City 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 City Officer or employee by title only, this shall be construed as though followed by the words "of the City" and shall be taken to mean the officer or employee of this City 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 City Council 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 City 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 City shall be set and run at the official time prescribed by this paragraph.**

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

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

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

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

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

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

"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.

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

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the 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. **(See 65 ILCS 5/1-1-2)**

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

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

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars ($100.00) nor more than Seven Hundred Fifty Dollars ($750.00)** for any one (1) offense.

(B) Any minor or person designated 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 City 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 City, is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine, unless a court appearance is required by the ordinance violated.

(F) A penalty imposed for 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. **(See 65 ILCS 5/1-2-1)**

1-1-21 MINOR VIOLATIONS PENALTY.

(A) Any person accused of a violation of any Section of this Code **except Chapter 24** entitled **"Motor Vehicles"** may settle and compromise the claim by paying to the City the sum of **Twenty-Five Dollars ($25.00)** within **ten (10) days** from the time such alleged offense was committed or by paying to the City Clerk the sum of **Fifty Dollars ($50.00)** 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 should not be in excess of **Seven Hundred Fifty Dollars ($750.00)** and no jail term could be imposed, service of summons may be made by the municipal clerk by certified mail, return receipt requested, whether service is to be within or without the State. **(See 65 ILCS 5/1-2-9.1)**

1-1-23 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this City 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 City 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 City Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City 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 City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter 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 an 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 City may be revoked by the court or by the City Council.

ARTICLE II - COMMISSIONERS

DIVISION I - GENERALLY

1-2-1 COMPOSITION AND GENERAL POWERS. The City Council shall consist of the Mayor and **four (4)** Commissioners, elected at large, in conformity with this Code and State Law governing elections in cities and shall have such powers as are granted by the **Illinois Compiled Statutes**. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS 5/4-3-4)**

(A) **Reports.** Every Commissioner, officer, assistant and employee shall, from time to time, as required by law or ordinance or when requested by the Council or whenever he shall deem necessary for the good of public service, report to the Council in writing respecting the business or work of his department, subordinate department, bureau or office, or matters connected therewith.

(B) **Department Heads Agents of Council.** All Commissioners or superintendents of departments and officers are the agents of the Council only, and all their acts shall be subject to review and to approval or revocation by the Council. **(See 65 ILCS 5/4-3-1 et seq.)**

1-2-2 VACANCIES - APPOINTMENT. A vacancy occurs in the office of City Commissioner by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office or removal from office, or removal of residence from the City.

If a vacancy occurs in any of these offices, the remaining members of the Council, within **thirty (30) days** thereafter, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election pursuant to **Section 5/3.1-10-50 of the Illinois Compiled Statutes**, and until the successor is elected and has qualified. **(See 65 ILCS 5/4-3-4)**

1-2-3 MEETINGS. The regular stated meetings of the City Council shall be held in the Municipal Hall Building on the **second (2nd) and fourth (4th) Mondays** of each month at **7:00 P.M.** during Central Standard Time and Daylight Savings Time. If a regular stated meeting falls upon a legal holiday, the meeting shall be held at the regularly scheduled time and place on the next secular day. Public notice of regular meetings and rescheduled meetings shall be given in accordance with the **Open Meetings Act. (See 5 ILCS 120/1 et seq.) (Ord. No. 205; 10-26-87)**

1-2-4 SPECIAL MEETINGS. Special meetings of the City Council may be called by the Mayor or any **two (2)** Commissioners 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 Commissioners; such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Municipal Building 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. The notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS 5/4-5-12 and 5 ILCS 120/2.02 and 120/2.03)**

1-2-5 QUORUM. At all meetings of the City Council, **three (3) members** of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel absentees to attend any regular or special meeting by a written citation to be signed by the Mayor and **two (2) Commissioners** issuing the same, and may be served by any official authorized to serve process within the City by reading the same to such absentees. **(See 65 ILCS 5/4-5-12)**

1-2-6 - 1-2-9 RESERVED.

DIVISION II - CITY ADMINISTRATION AND DEPARTMENTS

1-2-10 CITY DEPARTMENTS. The executive and administrative powers, authority and duties in the City are distributed into and among the following departments and the powers and duties to be performed are determined and assigned to the appropriate departments and officer(s), as hereinafter set forth:

(A) Department of Public Affairs.
(B) Department of Accounts and Finances.
(C) Department of Public Health and Safety.
(D) Department of Streets and Public Improvements.
(E) Department of Public Property.

The City Council shall enter upon its official duties on the **first (1st) Monday** in **May** after each regular election. They shall immediately hold an organizational meeting at which time the Mayor, with the advice and consent of the City Council, shall appoint a member of the City Council to each of the departments listed above; provided, however, the Mayor shall be the Commissioner of Public Affairs. **(See 65 ILCS 5/4-5-2)**

1-2-11 COMMISSIONERS ARE SUPERINTENDENTS OF DEPARTMENTS. The Commissioner of each department shall be Superintendent of that department; and is vested with the right and power to appoint and discharge the heads of all departments, as well as the employees thereof subordinate to the department of which he is the Commissioner; provided, however this action shall be subject to review if a majority of the City Council votes to review said appointment or discharge.

All officers and employees so appointed shall render efficient service in the conduct of the municipal affairs of which they are responsible. Any officer or employee of the City may be removed from office at any time by a majority vote of the Council. The Commissioner in charge of the department in which any such officer or employee is so removed shall be vested with the right and power to fill the vacancy so created, provided, no officer or employee so removed from service may be re-employed in any department during any succeeding **twelve (12) month** period, except with approval of a majority of the Council; the powers of appointment and removal herein are subject to the provisions of **Article IV of Chapter 65 of the Illinois Compiled Statutes**, and all powers shall be exercised in accordance with the provisions thereof. **(See 65 ILCS 5/4-5-2)**

1-2-12 DEPARTMENT REGULATIONS. The Commissioner of each department shall make and enforce such rules and regulations not inconsistent with the law or the ordinance, or rules and regulations adopted by the Council, as may be necessary to secure efficient conduct of the service of his department or the business in charge thereof.

1-2-13 DEPARTMENT OF PUBLIC AFFAIRS.

(A) **Mayor's Powers.** The Mayor shall have and exercise all the powers and perform all the duties provided or prescribed by the ordinances of the City not in conflict with the provisions of this Code and shall have and exercise all the powers and perform all the duties provided or prescribed by law.

(B) **Mayor as Superintendent.** The Mayor shall be Commissioner of Public Affairs and shall be Superintendent of the Department of Public Affairs and as such, shall have general supervision and shall oversee all departments and officers of the City.

(C) **Appointment of Officers.** The Mayor shall appoint, by and with the advice and consent of the Council, all officers whose appointment is not otherwise provided for by law or this Code; and whenever a vacancy shall occur in any office which, by law of ordinance, he is empowered and required to fill, he shall, at the next regular meeting of the Council occurring not less than **five (5) days** after such vacancy, communicate to the Council the name of his appointee to such office, and pending the concurrence of the Council in such appointment, he may designate some suitable person to discharge the functions of such office.

(D) **Chief Executive Officer.** The Mayor shall be chief executive officer and representative of the City. He shall sign all contracts on behalf of the City and shall require and cause to be prepared and published all statements and reports required by law or ordinance or resolution of the Council. He shall be in charge of the municipal building.

(E) **Departments and Officers.** The City Attorney, the police department and all other officers, employees of functionaries not by law or ordinance distributed or assigned to some other departments are assigned to the Department of Public Affairs. **(See 65 ILCS 5/4-5-1 and 5/4-5-2)**

(F) **Liquor Commissioner.** The Mayor is hereby designated as Liquor Commissioner. **(See Chapter 21 of this Code.)**

(G) **Additional Duties.** The Mayor shall perform such other and further duties pertaining to his office as are or may be required of him by the laws of the State of Illinois or this Code.

(H) **City Attorney.** There is hereby created the office of City Attorney. The City Attorney shall be appointed by the Mayor with the advice and consent of the City Council, at the first meeting in May. The term of office shall be for **one (1) year** and until his successor shall be appointed and qualified. The City Attorney shall exercise those powers provided in this Code. **(See Division VI of this Article.)**

1-2-14 DEPARTMENT OF ACCOUNTS AND FINANCES.

(A) **Commissioner's Duties.** The Commissioner of Accounts and Finances shall be Superintendent of the Department of Accounts and Finances, and shall have charge of and supervision over all accounts and records of the City and in all matters relating to the accounts and finances of the City, in addition to the accounts and records of the City Clerk, and City Treasurer, their offices or departments, plus all officers, boards or departments required to keep or make accounts, records, and reports.

(B) **Inspections and Reports.** The Commissioner shall inspect or cause to be inspected, all records or accounts required to be kept in any of the offices or departments of the City and shall, at least once each month, report the result of such an inspection to the Council with such recommendations as he shall see fit to make.

(C) **Annual Audit.** He shall supervise all officers and employees of the City with respect to the proper accounting of funds; the supervising and preparation of the annual audit and its publication as required by law; make certain that all officers and employees are under bond at all times as required by this Code; and that the City has adequate insurance coverage through the proper acquisition of insurance.

(D) **Claims.** The Commissioner shall examine or cause to be examined and report to the Council upon all bids, accounts and claims before they are acted upon, unless otherwise provided by law or ordinance.

(E) **Departments and Officers.** The City Clerk and Treasurer are assigned to the Department of Accounts and Finances and shall be under the supervision and direction of the Commissioner thereof.

(F) **Utility Reports; Collection of Fees.** The Commissioner of Accounts and Finances shall procure from all persons and corporations operating public service utilities in the City such reports as they are, by law or ordinance or otherwise required to make to the City or any of its officers and procure copies of such reports as are made to the State or any public office or department. He shall collect all license fees, inspection fees, franchise taxes, rentals or other monies which may be due or become due the City.

He shall report to the Council any failure to make reports or to pay monies due the City with such recommendations in relation thereto as he may deem proper.

He shall, whenever the City has authority to do so, cause to be examined, the accounts and records of any person or corporation operating a public service utility in the City and shall report to the Council any refusal to permit such examination, with such recommendations in relation thereto as he may deem proper.

(G) **Annual Appropriation.**

(1) **Estimates for Year.** All Commissioners shall submit to the Commissioner of Accounts and Finance on or before the **fifteenth**

(15th) day of **May** or as soon thereafter as possible, a report of their estimates, as near as may be, of the moneys necessary to defray the expenses of the City during the current fiscal year, classifying the different objects, and giving as nearly as may be the amounts required for each, and for this purpose, he is authorized to require of the City Officers their statements of the condition and expenses of their respective departments; also for proposed improvements and the probable expense thereof, and also of the contracts already made and unfinished.

He shall show the aggregate income of the preceding fiscal year from all sources, the amount of any unexpended appropriation of the preceding year, the amount of liabilities outstanding upon which interest is to be paid, and of the bonds and City debts payable during the year, when due and when payable, and shall also embody in such report such matters as by law or ordinance are required, so that the Council may fully understand the many exigencies of the City for the current year.

(2) **Appropriation Bill.** The Council shall, within the first quarter of each fiscal year, by ordinance, pass an annual appropriation bill in any by which such sums of money shall be appropriated as shall be deemed necessary to defray all necessary expenses and liabilities of the City for the current fiscal year.

(3) **Specifications of Ordinance.** Such ordinance shall specify the object and purpose for which such appropriations are made, and the amount appropriated for each object or purpose, and no expenditure shall be added to the general expenditures of the City in any **one (1) year** over and above the amount provided for and appropriated in the annual appropriation bill for that year; nor shall any expenditure be added to the expenditures of any object or purpose in any **one (1) year** over and above the amount for such object or purpose in said annual appropriation bill specifically appropriated for that year, except for the purpose and in the manner by law provided.

(I) **Duties.** The Commissioner shall be responsible for the Cemetery and Parks.

(J) **Mayor Pro-Tem.** The Commissioner of Accounts and Finances shall be vice-president of the Council, and in case of a vacancy in the office of Mayor or the absence or inability of the Mayor, shall perform the duties of the Mayor. **(See 65 ILCS 5/4-5-1)**

1-2-15 DEPARTMENT OF PUBLIC HEALTH AND SAFETY. The Commissioner of Public Health and Safety shall have control over and supervision of the Electric System, Commissioner of Health, and their respective offices, employees and all property and apparatus used in connection therewith.

He shall be in charge of all aspects of the Animal Control program including employees and expenditures.

He shall have charge of all purchases of supplies of the department, or the offices or departments assigned thereto, and he shall exercise supervision over the construction and repair of the electric system, buildings and structures assigned to his department, and may, on application, receive assistance therein from other officers and departments of the City. **(Ord. No. 7; 05-10-71)**

1-2-16 COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS - GENERAL POWERS AND DUTIES - SUBORDINATES. The Commissioner of Streets and Public Improvements shall have authority over and charge of all streets and public places; the construction and reconstruction of all street improvements, paving, curbing, sidewalks, storm

sewers, and all other public improvements, and of the repair thereof, unless otherwise provided by law, or ordinance.

He shall approve the estimates of the engineer which may be made from time to time of the cost of such work as the same progresses and shall recommend to the Council the acceptance of work done or improvements made when completed according to contract.

He shall have charge of enforcing all provisions relative to public service utilities and all persons or corporations rendering service in the City under any franchise, grant or contract made or granted by the City or State, and shall report to the Council or other proper officers any failure of said persons or corporations to render service or to observe the requirements or conditions of the franchise, grant or contract under which such public utility is operated.

The Superintendent of Streets, the Street Department and all employees therein, all sidewalk and storm sewer work, and all officers and employees employed in connection with the work of his department, and all property and apparatus used therein shall be under the supervision and control of the Commissioner of Streets and Public Improvements, and hereby are apportioned and assigned to the Department of Streets and Public Improvements.

1-2-17 DEPARTMENT OF PUBLIC PROPERTY. The Commissioner of Public Property shall have charge of and supervision over the Water and Sanitary Sewer Systems, all employees in the Water and Sewer Systems. He shall have charge of and supervision over all City property not otherwise assigned by law or ordinance. He shall be responsible for the Garbage Collection program and the storm sewers.

[See previous section for joint responsibilities.]

1-2-18 - 1-2-19 RESERVED.

DIVISION III - RULES OF THE CITY COUNCIL

1-2-20 RULES OF THE COUNCIL. The following rules of order and procedure shall govern the deliberations and meetings of the City Council. **(See 65 ILCS 5/3.1-40-15)**

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

(1) Call to order by presiding officer.
(2) Roll Call.
(3) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the members and correction of the journal of the proceedings of previous meetings.
(4) Visitors and public comment.*
(5) Reports and communications from the Mayor and other appointed City Officers.
(6) Reports of Commissioners.
(7) Presentation of communications, petitions, resolutions, orders, and ordinances by the members.
(8) Unfinished business.
(9) Miscellaneous business.

(* See Section 1-2-23)

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

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

In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require that the chamber be cleared.

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

Every member, previous 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 member's argument or vote.

(D) **Visitors.** No person other than a member of the Council 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 member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order.

(F) **Debate.** No member 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 member 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.

[No member shall speak longer than ten (10) minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Council.]

The City Council, by motion, may limit debate. The Presiding Officer shall have the right to participate in debate.

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

(G) **Call of Members to Order.** A member, 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 member may appeal to the Council from a ruling of the Chair, and if the appeal is seconded, the member 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 members present vote **"No",** the decision of the Chair shall be overruled; otherwise, it shall be sustained.

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

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

(K) **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.

(L) **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.

(M) **Motions to Adjourn.** A motion to adjourn the City shall always be in order, except:

(1) When a member 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 City Council may, at any time, adjourn over **one (1)** or more regular meetings on a vote of a majority of all the members authorized by law to be elected.

(N) **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.

(O) **Motions to Lay on the Table and to Take From the Table.** A motion 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 members 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.

(P) **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.

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

(R) **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.

(S) **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.

(T) **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 City Council by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(U) **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 Councilmen 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.

(V) **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 Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.

(W) **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.

(X) **Censure of Members - Expulsion of Members.** Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Council, or who does not obey the order of the City Council, or 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 members elected. **(65 ILCS 5/3.1-40-15)**

(Y) The City Clerk shall forward all papers to the appropriate City officers as early as practicable after reference to said officers shall be made by the Council.

(Z) Any one of the foregoing rules may be altered or amended at any regular or special meetings of the City Council, provided notice has been given in writing at least **one (1) meeting** previous and these rules, or any of them, may be suspended at any such meeting by majority of the City Council voting for the same.

1-2-21 ADDRESS BY NON-MEMBERS.

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

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

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

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

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

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

(3) Individuals shall notify the City Clerk **fourteen (14) days** in advance

specifying the appropriate auxiliary aids or services required. **(See Addendum "B", Request for Auxiliary Aid(s) and/or Services)**

(C) The Chief of Police or his authorized designee shall be the Sergeant at Arms at the Council 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]**

1-2-22 RESERVED.

DIVISION IV - ORDINANCES

1-2-23 ORDINANCES.

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

(B) **Passage by Yeas and Nays - Record.** The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the City or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of **three (3)** of the members elected to the City Council shall be necessary for the passage of any such ordinance or proposition. **(See 65 ILCS 5/4-5-12)**

(C) **Inspection.** Every ordinance or resolution appropriating any money, or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise, right, or license to occupy or use the streets, alleys, highways, bridges, viaducts, public property, or public places in the municipality for any purpose, shall remain on file with the municipal clerk for public inspection, in the form in which it is finally passed, at least **one (1) week** before the final passage thereof.

(D) Upon every vote the "yeas" and "nays" shall be called and recorded. Every motion, resolution, or ordinance shall be reduced to writing and read before a vote is taken thereon, and all Council members present at any meeting shall vote thereon. The style of all ordinances shall be: "Be it ordained by the Council of the City of Altamont". **(See 65 ILCS 5/4-5-12)**

(E) The Mayor shall have no power to veto, but every resolution, ordinance or warrant passed or ordered by the Council must be signed by the Mayor, or by **two (2) commissioners**, and all ordinances and resolutions shall be filed for record, before they shall be in force. **(See 65 ILCS 5/4-5-12)**

1-2-24 - 1-2-25 RESERVED.

DIVISION V - GENERAL PROVISIONS

1-2-26 CORPORATE SEAL.

(A) The seal provided by the Council, being circular in form shall consist of the words, **"City of Altamont, Effingham County, Illinois"** in the exterior circle, and the words, **"Corporate Seal"** in the interior circle of the seal.

Such seal shall be and hereby is established and declared to be the seal of the City. **(See 65 ILCS 5/2-2-12)**

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the City 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 City Clerk who shall be the legal custodian. **(See 65 ILCS 5/3.1-35-90)**

1-2-27 ELECTIONS.

(A) **Election Procedure.** The provisions of the **Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/4-3-1** concerning municipal elections shall govern the conduct of the City elections.

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

1-2-28 MUNICIPAL OFFICERS - REGULATIONS.

(A) **Effect.** The provisions of this Division shall apply alike to all officers and employees of the City 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 city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City 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 City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. **(See 65 ILCS 5/3.1-10-30)**

(D) **Books Delivered to Successor.** Every officer shall, upon going out of the office, deliver to his successor all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. 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 the 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 City Code Book and keys are turned over to the City Clerk. **(See 65 ILCS 5/3.1-10-35)**

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

(F) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the City. All officers of the City entitled to receive fees shall keep a correct account thereof and make a report thereof under oath to the Council 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 City Treasury.

(G) **Other Rules and Regulations.** Every officer of the City shall perform such other duties and be subject to such other rules and regulations as the City Council may provide by law. **(See 65 ILCS 5/3.1-10-40)**

(H) **Conservators of Peace.**

(1) The Mayor and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:

(a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,

(b) to commit arrested persons for examination,

(c) if necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper court, and

(d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

(2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(See 65 ILCS 5/3.1-15-25)**

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

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

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.
(See 65 ILCS 5/4-1-1)
(See "Administration of Oaths")

1-2-29 RESIGNATION OF APPOINTED OFFICIALS. Any officer of the City may resign from office. If such an officer resigns, he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a City officer, or the person appointed fails to qualify, the person filling the office shall continue in the office until his successor has been chosen and has qualified. **(See 65 ILCS 5/3.1-10-50)**

1-2-30 QUALIFICATIONS; ELECTIVE OFFICE.

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

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

(C) A person is not eligible for the office of Commissioner unless that person has resided in the municipality, as the case may be, at least **one (1) year** next preceding the election or appointment. **(See 65 ILCS 5/3.1-10-5)**

1-2-31 BONDS OF CITY OFFICERS.

(A) **Amount.** Bonds of City officers required under **65 ILCS 5/4-4-2** shall be executed in the following penal sums:

(1)	Mayor	$50,000.00
(2)	Clerk	50,000.00
(3)	City Commissioner	50,000.00
(4)	Treasurer	50,000.00
(5)	Deputy City Clerk	50,000.00

(Ord. No. 388-04; 06-14-04)

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

(C) **Surety.** The Council shall not receive or approve any bond or security whereon the name of the Council, any one of the Commissioners or any elected or appointed

officer of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the Council or if any bondsman, after becoming such is elected or appointed to any City office, this section shall not act as a release of any such obligation incurred. **(See 65 ILCS 5/4-4-2)**

1-2-32 LIABILITY INSURANCE.

(A) **Purchase Of.** The City Council 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 City 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 City Council elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in this Section, then the City 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 City 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 City shall not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee. Notwithstanding any other provision of this Code, the City 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 City shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. **(See 745 ILCS 10/2-201 et seq.)**

1-2-33 BIDDING AND CONTRACT PROCEDURES.

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

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Twenty-Five Thousand Dollars ($25,000.00),** shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **four (4)** of the **five (5) Commissioners** then holding office.

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

(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 City Council, 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 City Council. A successful bidder shall forfeit any bid deposit required by the City Council 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 City 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 City Council or by a City employee, in which event, a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

(G) **Rejection of Bids.** The City 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 City.** The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

(I) **Award of Contract.**

(1) **Authority in City.** The City Council 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 City to accept. In awarding the contract, in addition to price, the City Council shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(d) The quality of the performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(i) The number and scope of conditions attached to the bid.

(3) **Performance Bonds.** The City Council 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 City.

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

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the City 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 City Council 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 City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. **(See 65 ILCS 5/4-5-11, 8-9-1 and 8-9-2)**

1-2-34 INTERESTS IN CONTRACTS PROHIBITED.

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

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

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

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

(1) If:

(a) the contract is with a person, firm, partnership, association in which the interested member of the governing body of the municipality member has less than a **seven and one-half (7 ½%)** share in the ownership;

(b) the interested member publicly discloses the nature and extent of the interest before or during deliberations concerning the proposed award of the contract;

(c) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum);

(d) the contract is approved by a majority vote of those members presently holding office;

(e) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds **One Thousand Five Hundred Dollars ($1,500.00)** (but the contract may be awarded without bidding if the amount is less than **One Thousand Five Hundred Dollars ($1,500.00)**; and

(f) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Twenty-Five Thousand Dollars ($25,000.00)**.

(2) If:

(a) the award of the contract is approved by a majority vote of the governing body of the municipality (provided that the interested member shall abstain from voting);

(b) the amount of the contract does not exceed **Two Thousand Dollars ($2,000.00)**;

(c) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Four Thousand Dollars ($4,000.00)**;

(d) the interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

(e) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum).

(3) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(a) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality, advisory panel, or commission has less than a **one percent (1%)** share in the ownership; and

(b) the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and

(c) such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

(d) such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

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

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

(E) Nothing contained in this Section, including the restrictions set forth in subsections (B) and (C), shall preclude a contract of deposit of moneys, loans, or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member of the governing body of the municipality is interested in the bank or savings and loan association as an officer or employee or as a holder of less than **seven and one-half (7 ½%)** of the total ownership interest. A member holding an interest described in this subsection (E) in a contract does not hold a prohibited interest for purposes of this Act. The interested

member of the governing body must publicly state the nature and extent of the interest during deliberations concerning the proposed award of the contract but shall not participate in any further deliberations concerning the proposed award. The interested member shall not vote on the proposed award. A member abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of the contract shall require approval by a majority vote of those members presently holding office. Consideration and award of a contract in which a member is interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

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

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

(1) If the municipal officer is appointed by the governing body of the municipality to represent the interests of the municipality on a not-for-profit corporation's board, then the municipal officer may actively vote on matters involving either that board or the municipality, at any time, so long as the membership on the not-for-profit board is not a paid position, except the municipal officer may be reimbursed by the not-for-profit board for expenses incurred as the result of membership on the not-for-profit board.

(2) If the municipal officer is not appointed to the governing body of a not-for-profit corporation by the governing body of the municipality, then the municipal officer may continue to serve; however, the municipal officer shall abstain from voting on any proposition before the municipal governing body directly involving the not-for-profit corporation and, for those matters, shall not be counted as present for the purposes of a quorum of the municipal governing body.

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

1-2-35 SALARIES REGULATION.

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

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

(See 65 ILCS 5/4-6-1 and 5/4-6-2)

EDITOR'S NOTE: The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **six (6) months** prior to the general municipal election in which voting is held for those offices.

1-2-36 CLAIMS.

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

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

1-2-37 MUNICIPAL YEAR. The municipal year of the City shall begin on **May 1st of each year and shall end on April 30th of the following year. (See 65 ILCS 5/1-1-2)**

1-2-38 EXPENSE REIMBURSEMENT POLICY.

(A) **Purpose Statement.** The City of Altamont, Illinois, (hereinafter referred to as the "City") has developed this Expense Reimbursement Policy (hereinafter referred to as the "Policy") pursuant to the requirements contained within Section 9.5 of the Illinois Wage Payment and Collection Act **(820 ILCS 115/9.5)**. It is the policy of the City to reimburse employees for all necessary expenditures or losses incurred by the employee within the employee's scope of employment and directly related to services performed for the City. The City is not responsible for losses due to an employee's own negligence, losses due to normal wear or losses due to theft unless the theft was a result of the City's negligence.

The provisions of this Policy will apply only insofar as they do not conflict with any state or federal law. Furthermore, municipal officers and officials may be subject to additional conditions or restrictions for reimbursement of expenses related to their specific offices and other state statutes or local ordinances.

(B) **Definitions.** The following words, terms and phrases, when used in this Policy, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) **"Act"** shall mean Illinois Public Act 100-0554.

(2) **"City"** shall mean the City of Altamont, Illinois.

(3) **"Employee"** shall mean any individual in the employment of the City of Altamont, Illinois.

(4) **"Policy"** shall mean this Expense Reimbursement Policy.

(C) **Categories of Expenditures.**

(1) **"Authorized Expenditures"** may include cell phone expenses, laptop, tablet, mileage, tools, equipment, Internet, meals, registration fees, training expenses, tolls and parking fees, provided that said expenditures are incurred on behalf of the City.

(2) **"Unauthorized Expenditures"** include, but are not limited to, the following: home Internet service, personal cell phone expenses, mileage incurred on personal vehicles, alcoholic beverages, and entertainment expenses.

(3) Notwithstanding anything contained herein to the contrary, any expenditure that is not requested and approved, in accordance with this Policy, prior to purchase is deemed an Unauthorized Expenditure and may not be reimbursed.

(4) Furthermore, notwithstanding anything contained herein to the contrary, reimbursement of travel, meal, or lodging expenses incurred by Employees and officers of the City shall be subject to the terms and conditions contained in the Travel and Expenses Section contained within paragraph 3 of said Personnel Manual, as may be amended from time to time, which was adopted pursuant to Resolution No. 23016-11-04, A Resolution Regulating Control of Travel Expenses.

(D) **Pre-Approval Required for Authorized Expenditures.** An Employee shall submit a written request to the appropriate Department Commissioner to purchase any proposed Authorized Expenditure, as detailed in Section 3 of this Policy, at least **three (3) business days** in advance of incurring the expense on the "Expense Reimbursement Form" (attached hereto). Following approval of the expense, the Employee will be reimbursed as

provided in paragraph (E) of this Policy. If the expense is not approved following a written request, the employee will not be entitled to reimbursement.

In the event that an expense is not pre-approved, reimbursement will be subject to the discretion of the City Council.

(E) **Reimbursement Procedure for Authorized Expenditures.** An Employee shall submit an "Expense Reimbursement Form" (attached hereto) along with appropriate supporting documentation not later than **thirty (30) calendar days** after incurring the expense. Where supporting documentation is nonexistent, missing or lost, the Employee shall submit a signed statement regarding any such receipts.

An Employee will not be entitled to reimbursement if the Employee has failed to comply with this Expense Reimbursement Policy.

(Ord. No. 672-19; 09-23-19)

1-2-39 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the Municipal Building.

1-2-40 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

(A) **Eligible employees** shall mean all employees of the City, eligible under the Federal Act.

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

1-2-41 ILLINOIS MUNICIPAL RETIREMENT FUND.

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

(B) **Special Tax.** The City includes in its levy and appropriation ordinance provision for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation. **(Ord. No. 39; 09-24-73)**

(C) **Early Retirement Incentives.** The member contributions required by the IMRF early retirement incentive be paid by the City on behalf of all its employees who retire under the IMRL early retirement incentive. The payment shall be made by a reduction in earnings payments to those employees. The pick-up of member contributions shall be effective for all employees of the City who retire under the IMRF early retirement incentive adopted by the City. **(Ord. No. 736-22; 01-11-22)**

1-2-42 ELECTRONIC PAYMENTS.

(A) The City finds that acceptance of electronic payments for any utilities, fines, fees, charges, taxes or costs imposed by, owing to, or collected on behalf of the City as provided in the Local Government Acceptance of Credit Cards Act is in the best interest of the City and its citizens.

(B) The term "electronic payment" shall include an instrument or device, used to obtain credit, money, good or services, issued to a holder of the card, including major credit cards, bank cards, charge cards, debit cards, automated teller machine cards, secured credit cards, smart cards and e-check ACH payments.

(C) The City Council authorizes to enter into agreements with one or more financial institutions or other service providers to facilitate the acceptance and processing of electronic payments. Said agreements shall identify the specific services to be provided, the itemized fees, if any, to be charged and the means to pay such fee.

(D) The fees charged by credit card companies, and e-check fees will be passed to customers, at the rate specified by the processing company contracted by the City.

(Ord. No. 795-24; 074-01-24)

1-2-43 - 1-2-46 RESERVED.

DIVISION VI - VACANCIES

1-2-47 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 1-2-51**, 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.

1-2-48 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.

1-2-49 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 1-2-51 or 1-2-52**.

(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.

1-2-50 ELECTION OF AN ACTING MAYOR. The election of an acting Mayor pursuant to **Section 1-2-52 or 1-2-53** does not create a vacancy in the original office of the person on the City Council, 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.

1-2-51 APPOINTMENT TO FILL COMMISSIONER VACANCY. An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-30** of this Code to fill a vacancy in the office of Commissioner 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 1-2-30**. 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.

1-2-52 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 City 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 1-2-50**, 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.

(B) **Commissioner.** If the vacancy is in the office of Commissioner, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-51**.

(C) **Other Elective Office.** If the vacancy is in any elective municipal office other than Mayor or Commissioner, 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 City Council, as the case may be.

1-2-53 VACANCIES DUE TO ELECTION BEING DECLARED VOID. In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-49(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

1-2-54 OWING A DEBT TO THE MUNICIPALITY. A vacancy occurs if a municipal official fails to pay a debt to a municipality in which the official has been elected or appointed to an elected position subject to the provisions of **65 ILCS 5/3.1-10-50(C)(4)**.

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

1-2-55 - 1-2-56 RESERVED.

ARTICLE III – CITY OFFICIALS

DIVISION I - CITY CLERK

1-3-1 APPOINTMENT OF CLERK. At the first regular meeting after the general election of the City Council, the City Clerk shall be elected by a majority vote, for a **four (4) year term**, and shall serve until his successor is appointed and has qualified. The City Clerk shall be under the supervision of the Commissioner of Accounts and Finances. **(See 65 ILCS 5/3.1-15-5 and 5/3.1-30-5)**

1-3-2 COUNCIL MINUTES - RECORDS. The City Clerk shall attend all meetings of the City Council and shall keep in a suitable book to be styled, **"The Journal of the City Council",** a full and faithful record of its proceedings. The City Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the City Council and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage and when published, of the publication of such ordinance. The Clerk shall also record in proper books for the purpose, all official bonds and notes upon each bond so recorded, when the same was entered of record and the book and pages where recorded. **(See 65 ILCS 5/1-2-5 and 5/3.1-35-90)**

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

1-3-4 PREPARATION OF DOCUMENTS; COMMISSIONS; LICENSES. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

1-3-5 REPORT OF LICENSES. The Clerk shall report to the City Council at its regular meetings each month and oftener if the Council so requires the data contained in his license register, with respect to licenses issued during the previous month.

1-3-6 LICENSE PLATES. In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation and the licensee is required to obtain from the Clerk plates, tags or stickers, it shall be the duty of the Clerk to deliver such plates, tags or stickers free to the person paying the license fee.

1-3-7 ADMINISTRATION OF OATHS. The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS 5/3.1-15-20)**

1-3-8 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 City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued or purchased or paid or canceled; the book or books shall show the fact; and in his annual report, the City Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof. **(See 65 ILCS 5/3.1-35-110)**

1-3-9 REPORTS. On or before the first meeting in each month, the City Clerk shall make out and submit to the Council a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from what sources and on what account moneys were received, and for what purpose, and on what account the warrants were drawn or paid.

1-3-10 SUCCESSOR. The City Clerk shall carefully preserve in his office all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to his office, and not in actual use and possession of other City officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office.

1-3-11 DEPUTY CLERK. There is hereby created the office of Deputy Clerk. The Deputy Clerk shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk and shall affix the seal of the City thereto whenever required.

When signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word "By" and the Deputy Clerk's own name and the words, "Deputy Clerk".

The powers and duties herein described shall be exercised by such Deputy Clerk only in the absence of the City Clerk from the Clerk's office in the Municipal Building and only when either written direction has been given by the City Clerk to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such function.

Such Deputy Clerk shall have the authority and power herein described and such further power and authority as may be provided by statute. **(See 65 ILCS 5/3.1-30-10; 5/3.1-10-45 and 5/3.1-35-95)**

1-3-12 WARRANT REGISTER. The Clerk shall keep an accurate register of warrants drawn upon the Treasury, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable. **(See 65 ILCS 5/8-1-8)**

1-3-13 FINANCES. Under the direction of the Department of Accounts and Finances, the Clerk shall open and keep a complete set of books, in which, among other things, shall be set forth the appropriations of the fiscal year for which each distinct object and branch of expenditures and also, the receipts from each and every source of revenue so far as he can ascertain the same.

1-3-14 APPROPRIATION. The City Clerk shall, on or before May 15th or as soon thereafter as possible, submit to the Council a report of his estimates as near as may be of the monies necessary to defray the expenses of the City during the current fiscal year, classifying the different objects and giving as nearly as may be the amounts required for each and for this purpose, the Clerk is authorized to require of the City officers their statements of the condition and expenses of their respective departments; also for proposed improvements and the probable expense thereof, and also of the contracts already made and unfinished. He shall show the aggregate income of the preceding fiscal year from all sources, the amount of any unexpended appropriation of the preceding year, the amount of liabilities outstanding upon which interest is to be paid, and of the bonds and City debts payable during the year, when due and payable, and shall also embody in such report such matters as by law or ordinance are required, so that the Council may fully understand the many exigencies of the City for the current year.

1-3-15 NOTIFICATION TO PERSONS APPOINTED. The Clerk, within **five (5) days** after the result of an election is decided or an appointment is made, shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-3-16 OTHER DUTIES. In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law, resolution or ordinance of the City Council.

1-3-17 - 1-3-19 RESERVED.

DIVISION II - CITY TREASURER

1-3-20 FINANCE DEPARTMENT. The Commissioner of Accounts and Finances 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 City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-3-21 APPOINTMENT OF TREASURER. At the first regular meeting after the general election of the City Council, the City Treasurer shall be appointed by the Commissioner of Accounts and Finances by a majority vote, for a **four (4) year** term, and shall serve until his successor is appointed and has qualified. The City Treasurer shall be under the supervision of the Commissioner of Accounts and Finances. **(See 65 ILCS 5/4-5-6)**

1-3-22 SEPARATION OF FUNDS. The Treasurer shall keep all moneys in his hands belonging to this City separate and distinct from his own money, and he shall not use, either directly or indirectly, the City moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this Section shall subject him to removal from office by the City Council. **(See 65 ILCS 5/3.1-35-55)**

1-3-23 BOND. The Treasurer shall give bond, conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect or wrongful act on his part; and the amount of such bond shall be not 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 (1 1/2) times** the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(See 65 ILCS 5/3.1-10-45)**

1-3-24 BOOKKEEPING; PAYROLL. The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what

account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Department of Accounts and Finances of the Council.

1-3-25 **STATEMENTS.** Unless otherwise provided, the Treasurer shall report to the City Council at the first monthly meeting a full and detailed account of all receipts and expenditures of the municipality as shown by the City Clerk's books, up to the time of the report. **(See 65 ILCS 5/3.1-35-45)**

1-3-26 **ANNUAL ACCOUNTS; PREPARATION AND FILING; CONTENTS; PUBLICATION.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall annually prepare and file with the City Council an account of monies received, and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show in such account the following:

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

(B) Except as provided in paragraph (C) of this Section, all monies paid out by the municipality 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 such account; and

(C) All monies paid out by the municipality 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 such account; and

(D) A summary statement of operations for all funds and account groups of the municipality, 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 Treasurer, the Clerk shall publish the account at least once in **one (1)** or more newspapers circulated in the municipality. **(See 65 ILCS 5/3.1-35-65)**

[NOTE: The Treasurer shall file a copy of the report with the County Treasurer as provided in 65 ILCS 5/3.1-35-70.]

1-3-27 **DEPOSIT OF FUNDS.**

(A) **Designation by Council.** The Treasurer is hereby required to keep all funds and moneys in their custody belonging to the City in such places of deposit as have been designated by this Section. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the City in the custody of the City Officials. When a bank 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 as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Treasurer of that fact in writing at least **five (5) days** before the transfer of funds.

(B) **Qualifications of Bank.** No bank shall be qualified to receive City funds or moneys until it has furnished the corporate authorities with copies of the last **two (2)** sworn statements of resources and liabilities which the bank is required to furnish to the Auditor of Public Accounts or to the Comptroller of Currency. Each bank designated as a depository for such funds or moneys shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the Auditor of Public Accounts of the State of Illinois.

(C) **Discharge from Responsibility.** The Treasurer and the aforementioned officials shall be discharged from responsibility for all funds or moneys which they deposit in a designated bank while the funds and money are so deposited. If City funds or moneys are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's or savings and loan association's capital stock and surplus, and the Treasurer shall be responsible for funds or moneys deposited in the bank(s) in excess of this limitation.

(D) **Investments.** The Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of investments:

(1) General obligation securities of the United States of America or of the State of Illinois.

(2) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.

(3) Money Market Accounts.

(4) Short term discount obligations of the Federal National Mortgage Association.

(5) The following banks and/or Savings and Loan Associations are hereby designated as places of deposit where the Treasurer is required to keep all funds and moneys in his custody belonging to this municipality:

(a) First Mid-Illinois Bank and Trust

(b) People's Bank & Trust, Altamont

(c)

1-3-28 - 1-3-29 RESERVED.

DIVISION III - CITY ATTORNEY

1-3-30 POSITION ESTABLISHED. There is hereby created the office of City Attorney shall also serve as Corporation Counsel. The City Attorney shall have full charge of the law affairs of the City and shall receive reasonable fees for services rendered.

1-3-31 PROSECUTE FOR CITY. The City Attorney shall prosecute or defend on behalf of the City, in all cases in which the interests of the corporation or any officer thereof are involved; and the City Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

1-3-32 PREPARATION OF ORDINANCES. He shall, when required, advise the Council or any officer in all matters of law in which the interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Council, or any committee thereof.

1-3-33 JUDGMENTS. He shall direct executions to be issued upon all judgments recovered in favor of the City, and he shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City, therefore.

1-3-34 DEPARTMENT ADVISOR. He shall act as the legal advisor for the Water and Sewer Departments, for the Plan Commission, for the Zoning Board of Appeals and he shall perform the legal services required of the Departments and/or Boards and Commissioners.

1-3-35 VIOLATIONS OF ORDINANCES. He shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

1-3-36 PROSECUTION OF SUITS. He shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable.

(See 65 ILCS 5/3.1-30-5)

1-3-37 - 1-3-39 RESERVED.

DIVISION IV - CITY ENGINEER

1-3-40 APPOINTMENT. The Mayor with the advice and consent of the City Council shall appoint the City Engineer at the **first (1st) meeting** in May after the general consolidated election.

1-3-41 OATH. Before entering upon the duties of his office, he shall take the oath prescribed by law for all City officers.

1-3-42 MAPS, PLATS AND RECORDS. The City Engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the City.

1-3-43 DUTIES. He shall advise the Council on all engineering matters referred to him and shall perform such duties as are provided by law or ordinance, and in addition thereto, such other duties as from time to time may be imposed upon him by the Council.

He shall, from time to time as required by the Council, make reports regarding public improvements, repairs of streets, bridges and sidewalks, or such other work as the Council may request, and shall make such suggestions to the City Council, regarding the same, as shall, in his judgment, seem best and proper.

(See 65 ILCS 5/3.1-30-5)

1-3-44 - 1-3-45 RESERVED.

DIVISION V - SUPERINTENDENT OF PUBLIC WORKS

1-3-46 OFFICE CREATED. There is hereby created the office of Superintendent of Public Works, an executive office of the City. The Superintendent of Public Works shall be appointed by the Mayor with the advice and consent of the City Council. **(See 65 ILCS 5/3.1-30-5)**

1-3-47 STREETS. The Superintendent shall have charge of the construction and care of all public streets, alleys and driveways in the City, 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.

1-3-48 DEPARTMENT EMPLOYEES. All employees assigned to the Superintendent of Public Works shall perform their duties subject to the orders and under the supervision of the Superintendent.

1-3-49 PROPERTY CUSTODIAN. The Superintendent shall be the custodian of all property of the City which is not assigned to the care or custody of any other commissioner or department.

1-3-50 OTHER DUTIES. In addition to the above he shall manage all projects assigned to him by the City Council.

1-3-51 - 1-3-54 RESERVED.

(See 65 ILCS 5/3.1-30-5)

DIVISION VI - CODE ENFORCEMENT OFFICER--ZONING ADMINISTRATOR

1-3-55 CREATION OF POSITION. There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be appointed by the Mayor with the advice and consent of the City Council. 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 City Council.

1-3-56 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 authority 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 structure; removal of illegal buildings or structures or of illegal additions, alterations, 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, therefore.

(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 City Council 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 City Attorney in prosecuting violators, and of other City officials and officers.

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

ARTICLE IV - SALARIES

1-4-1 ESTABLISHED. The Mayor and the City Commissioners shall be paid as compensation for their services salary, payable monthly as the Commissioners shall determine, in the sum hereinafter set forth opposite the designated office:

(A) **Commissioner of Public Affairs.** The Mayor shall receive **Ten Thousand Dollars ($10,000.00)** a year as his salary.

(B) **Commissioner of Accounts and Finance.** The Commissioner shall receive **Three Thousand Two Hundred Fifty Dollars ($3,250.00)** per year as his salary.

(C) **Commissioner of Public Health and Safety.** The Commissioner shall receive **Three Thousand Two Hundred Fifty Dollars ($3,250.00)** per year as his salary.

(D) **Commissioner of Streets and Public Improvements.** The Commissioner shall receive **Three Thousand Two Hundred Fifty Dollars ($3,250.00)** per year as his salary.

(E) **Commissioner of Public Property.** The Commissioner shall receive **Three Thousand Two Hundred Fifty Dollars ($3,250.00)** per year as his salary.

(F) **I.M.E.A. Representative.** The Commissioner appointed to be the Illinois Municipal Electric Association representative shall receive a salary of **Three Thousand Two Hundred Fifty Dollars ($3,250.00)** per year.

(Ord. No. 469-10; 08-23-10)

(See 65 ILCS 5/4-6-1)

ARTICLE V - MANAGEMENT ASSOCIATION

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

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

(Ord. No. 804-24; 10-28-24)

ARTICLE VI – MEETING PROCEDURES

DIVISION I – RECORDING CLOSED MEETINGS

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

1-6-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The City 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 City 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 City Council. Each subsidiary public body of the City 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 City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

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

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

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

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

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

1-6-8 PROCEDURE FOR DESTRUCTION OF RECORDINGS. The City 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 City 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 City have not passed a motion requiring the preservation of the verbatim recording of that meeting.

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

DIVISION II – REMOTE MEETING PARTICIPATION

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

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

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

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

ADDENDUM "A"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

(A) **Policy Statement.** It is the policy of the City 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 City 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 City; 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 City shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

ADDENDUM "B"

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

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

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

_____

DATE: _____ SIGNED: _____

Please keep in mind that pursuant to Section 1-2-21(B) that establishes rules governing the address of the City Council, all remarks must be kept to a maximum of five minutes, shall be addressed to the City Council, and shall not be disruptive to the business of the Council. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Council.

ADDENDUM "C"

EXPENSE REIMBURSEMENT FORM

At least **three (3) business days** in advance of incurring an expense for an Authorized Expenditure, the following minimum documentation must be submitted, in writing, to the appropriate Department Commissioner of the City of Altamont, Illinois:

Name of Employee: _____

Title: _____

Description of Expense:

_____

_____

Expected date of Expenditure: _____

Estimated Expense Amount: _____

DEPARTMENT COMMISSIONER:

Approval Signature: _____

Date of Approval: _____

Within **thirty (30) calendar days** after incurring the expense, and following approval, the Employee shall submit appropriate supporting documentation (i.e., receipt). Where supporting documentation is nonexistent, missing or lost, the Employee shall submit a signed statement regarding any such receipts.

Actual Expense Amount: _____

_____ _____

Employee Signature Date

ADDENDUM "D"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY
DURING A DISASTER DECLARATION

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

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

(1) the Governor of the State of Illinois or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the City is covered by the disaster area;

(2) the Mayor determines that an in-person meeting or a meeting conducted under this policy is not practical or prudent because of the disaster;

(3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;

(4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the City must make alternative arrangements and provide notice pursuant to the policy of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;

(5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and

(6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

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

(1) Notice shall be given pursuant to subsection (a) of Section 2.02 of the Open Meetings Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting;

(2) The City must comply with the verbatim recording requirements set forth in Section 2.06 of the Open Meetings Act.

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

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

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

CHAPTER 3 - ANIMALS

ARTICLE		TITLE	PAGE
I	GENERAL REGULATIONS		
	Section 3-1-1	- Definitions	3-1
	Section 3-1-2	- Injury to Property	3-2
	Section 3-1-3	- Manner of Keeping	3-3
	Section 3-1-4	- Keeping Barking Dogs and Crying Cats	3-3
	Section 3-1-5	- Cruelty to Animals Prohibited	3-3
	Section 3-1-6	- Keeping Animals Other Than Domesticated Pets	3-3
	Section 3-1-7	- Health Hazard	3-4
	Section 3-1-8	- Limitation on Number of Dogs and Cats Kept	3-4
	Section 3-1-9	- Removal of Excrement	3-5
	Section 3-1-10	- Administration	3-5
	Section 3-1-11	- Animal Feed Prohibited	3-5
	Section 3-1-12	- Penalty	3-5
II	DOGS		
	Section 3-2-1	- Restraint of Dogs	3-6
	Section 3-2-2	- Rabies Inoculation	3-6
	Section 3-2-3	- Impoundment of Dogs Running at Large or Unlicensed Dogs; Citation of Owner or Keeper	3-6
	Section 3-2-4	- Notice and Citation to Owner or Keeper of Impoundment	3-7
	Section 3-2-5	- Obstructing Poundmaster	3-7
	Section 3-2-6	- Impoundment of Dogs Which Have Bitten Persons	3-7
	Section 3-2-7	- Impoundment	3-7
	Section 3-2-8	- Redemption of Impounded Animals	3-7
	Section 3-2-9	- City Pound Designated	3-7
	Section 3-2-10	- Disposition of Dogs Deemed Nuisances	3-8
	Section 3-2-11	- Dangerous Dog – Female Dog at Large	3-8
	Section 3-2-12	- Female Dog with Other Dogs	3-8
	Section 3-2-13	- Confinement in Motor Vehicle	3-8
	Section 3-2-14	- Vicious Animals Prohibited	3-8
III	VICIOUS AND DANGEROUS DOGS		
	Section 3-3-1	- Definitions	3-9
	Section 3-3-2	- Unlawful to Maintain	3-9
	Section 3-3-3	- Owner's Responsibility	3-10
	Section 3-3-4	- Dog Permitted to Leave Premises	3-10
	Section 3-3-5	- Injunction	3-10
	Section 3-3-6	- Liability of Owner of Dog Attacking or Injuring Person	3-10
	Section 3-3-7	- Right of Entry – Inspections	3-11
IV	TETHERING		
	Section 3-4-1	- Tethering Dog Regulations	3-12
	Section 3-4-2	- Variances	3-12

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 City Council to perform duties as assigned by the Mayor to effectuate this Code.

"AT LARGE" shall mean off of the premises of the owner and not under the control of a leash. **(Ord. No. 585-16; 04-11-16)**

"CAT" shall mean all member of the family Felidae. **(Ord. No. 585-16; 04-11-16)**

"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.

"ENCLOSURE" shall mean 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 and Dangerous Dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the Vicious and Dangerous Dog within the enclosure. The enclosure shall be securely enclosed and locked and designated to secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A Vicious and Dangerous Dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(A) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the animal which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained.
(Ord. No. 585-16; 04-11-16)

"EXCREMENT". Waste matter discharged from the body, including, but not limited to, animal feces. **(Ord. No. 432-08; 01-14-08)**

"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.

"IMPOUNDED" shall mean taken into the custody of the Animal Control Facility in the City of Effingham, Illinois. **(Ord. No. 585-16; 04-11-16)**

"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.

"LICENSED VETERINARIAN" shall mean a veterinarian licensed by the State of Illinois. **(Ord. No. 585-16; 04-11-16)**

"OWNER" shall mean a person having a right of property in any animal, or who keeps or harbors an animal, or who has in its care, or acts as its custodian. **(Ord. No. 585-16; 04-11-16)**

"PERSON" shall mean any natural person, firm, partnership, joint venture, club, company, association, syndicate, society, business trust, organization, institution, agency, government corporation, municipal corporation, district or other political subdivision, corporation, limited liability company, proprietorship, contractor, supplier, vendor, vendee, operator, or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "Person" appears in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations or limited liability company, shall include the officers, agents or members thereof who are responsible for any violation of this Article. **(Ord. No. 719-21; 11-22-21)**

"POUND" OR "ANIMAL CONTROL FACILITY" may be used interchangeably and shall mean any facility approved for the purpose of enforcing this Chapter and used as a shelter for seized, stray, homeless, abandoned, or unwanted animals. **(Ord. No. 585-16; 04-11-16)**

"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 and made of a durable material.

"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 5/24)**

3-1-2 INJURY TO PROPERTY.

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

(B) **Excrement Accumulations.** It shall be unlawful for any person to cause or permit any animal 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. The requirements contained in this paragraph (B) shall not apply to a person who is visually or physically handicapped.
(Ord. No. 719-21; 11-22-21)

3-1-3 MANNER OF KEEPING.

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

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

3-1-4 KEEPING BARKING DOGS AND CRYING CATS.

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

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

(C) **Verification.** If a warning given to the person alleged to be keeping a dog or cat as set forth above is ineffective, then a verified complaint of at least **two (2) citizens**, not from the same family, may be presented to the Police Department alleging that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by a person within the City. The Police Department shall inform the owner or owners of such a dog or cat that said verified complaint has been received and shall cite the owner or owners of the dog or cat for the violation alleged in said compliant. **(Ord. No. 264; 08-08-94)**

3-1-5 CRUELTY TO ANIMALS PROHIBITED.

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

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

3-1-6 KEEPING ANIMALS OTHER THAN DOMESTICATED PETS.

(A) Except as otherwise provided for in this Chapter, no person shall keep, harbor or allow to be kept within the City limits any live chicken, turkey, goose, duck or any other poultry or byproduct bird, goat, sheep, swine, cattle, horse, or any type of hoof stock, any type of farm animal including any pygmy or miniature variety thereof; any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf, wolf-hybrid, poisonous reptile, or non-domesticated animal found in its natural state to be wild and potentially dangerous to human life. It is no defense to a violation of this Section that the owner or keeper of the animal has attempted to domesticate the animal.

(B) Animals maintained by a humane society, veterinary hospital, or educational institutions shall not be regulated by the provisions of this Section. Furthermore, animals brought into the City limits, on a temporary basis, as part of activities conducted at the Effingham County Fairgrounds shall not be regulated by the provisions of this Section.

Notwithstanding anything contained herein to the contrary, this Section shall further not prohibit legitimate retail establishments sale of livestock and poultry for traditional agricultural purposes.

(C) Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon obtaining a permit from the City Council.

(D) **Pre-Existing Nonconforming Use.**

(1) A person keeping, harboring, or possessing any donkey(s), horse(s), mule(s), llama(s), swine, or cattle lawfully existing on real estate within the corporate boundaries of the City on the effective date of this Chapter, or when the real property is annexed into the corporate boundaries of the City, shall be entitled to an exemption from the provisions of paragraph (A) of this Section as provided for herein. Any person claiming an exemption under this paragraph shall obtain a Certificate of Nonconforming Use from the City Zoning Administrator or his designee. Said exemption shall be deemed a covenant running with the land and shall inure to the benefit of the real estate described in the Certificate of Nonconforming Use.

(2) When any person no longer keeps, harbors, or possesses any donkey, horse, mule, llama, swine, and/or cattle exempted from the regulations of this Section under paragraph (D)(1), for a period of **twelve (12) consecutive months**, they shall not thereafter resume to keep, harbor, or possess any animal prohibited under the provisions of paragraph (A) and shall comply with the regulations of paragraph (A) of this Section.

(E) Any person violating any provision of this Section shall be guilty of a Class C misdemeanor and shall be fined not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure or abate the violation.

(Ord. No. 719-21; 11-22-21)

3-1-7 HEALTH HAZARD. The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

3-1-8 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

(A) **Nuisance.** The keeping of an unlimited number of dogs and cats in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in **Section 3-1-1.**

(B) **Limitation; Exception.**

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

(2) It shall be unlawful to own, possess, keep, maintain or harbor more than **three (3) cats** of **five (5) months** of age or older in any residential building or on any residential lot within the City; provided, however, that for the purposes of this Section, an apartment shall be as **one (1)** residential building. **(Ord. No. 585-16; 04-11-16)**

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

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

3-1-9 REMOVAL OF EXCREMENT. No owner or person in control of an animal to deposit excrement on any public right-of-way, public property, or upon property of another, absent that person's consent, without some means of removing or disposing of the excrement. The owner or person in control of an animal shall promptly remove any excrement deposited on any property, other than that belonging to the owner or person in control of an animal. This Section shall not apply to support dogs or guide dogs for the blind, visually handicapped, hearing impaired, or otherwise physically disabled persons. **(Ord. No. 432-08; 01-14-08)**

3-1-10 ADMINISTRATION.

(A) Primary enforcement of this Chapter shall be with the Effingham County Animal Control Department. The City may enforce this Chapter through the City Attorney serving the City, officers of the Police Department, Effingham County Sheriff's Department, and/or employees of the Effingham County Animal Control Department, and/or the corporate authorities of the City or such other person or agencies so designated by the corporate authorities of the City.

(B) Without limiting those power and duties prescribed by law and Ordinance, Animal Control Officers and other specifically designated by the Administrator shall:

(1) Exercise the power and perform the duties contained in this Chapter; and,

(2) Impound animals pursuant to this Chapter at the Effingham County Animal Shelter or other facility approved by corporate authorities of the City.

(Ord. No. 585-16; 04-11-16)

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

3-1-12 PENALTY. Any person violating any provision of this Chapter shall be fined not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense, and a separate offense shall be deemed committed on each day or on which the violation occurs or continues. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure or abate the violation. **(Ord. No. 585-16; 04-11-16)**

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

ARTICLE II - DOGS

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

3-2-2 RABIES INOCULATION.

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

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

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

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

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

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

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

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

(C) Any dog permitted to run at large within the City 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 City Council may establish a reasonable fee for each day that a dog is housed in the pound. **(510 ILCS 5/10)**

3-2-4 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

3-2-5 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog into the City 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 City, upon conviction of any part of this Chapter shall be fined according to Chapter 1-Administration of this Code.

3-2-6 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS. Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **ten (10) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

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

3-2-7 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

3-2-8 REDEMPTION OF IMPOUNDED ANIMALS. The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if any, that have accrued up to the time of making redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

3-2-9 CITY POUND DESIGNATED. The City Council shall designate a City Pound.

3-2-10 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

3-2-11 DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any vicious or dangerous dog as defined in **Section 3-1-2** or of any female dog, while in heat, to run at large within the limits of this City.

3-2-12 FEMALE DOG WITH OTHER DOGS. No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

3-2-13 CONFINEMENT IN MOTOR VEHICLE. No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible. **(510 ILCS 70/7.1)**

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

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

ARTICLE III - VICIOUS AND DANGEROUS DOGS

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

(A) **"Vicious dog"** means:

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(4) Any individual dog which attacks a human being or domestic animal without provocation.

(5) Any individual dog which has been found to be a "dangerous dog" upon **three (3)** separate occasions.

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

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

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

(C) **"Enclosure"** 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. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence it if is muzzled at all times. **(510 ILCS 5/2.11a)**

Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the animal which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. **(Ord. No. 585-16; 04-11-16)**

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

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

(1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in **Section 3-3-1(A)** and, based on that finding, the County Veterinarian, or the Animal Control Warden has declared in writing that the dog is a vicious dog or

(2) that the circuit court has found the dog to be a vicious dog as defined in **Section 3-3-1(A)** and has entered an order based on that finding.

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

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length and shall be under the direct control and supervision of the owner or keeper of the dog.

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

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

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

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

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

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

3-3-5 INJUNCTION. The Animal Control Warden, the City Attorney, or any citizen of the City 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 a nuisance and may order that such dog or other animal be humanely dispatched. **(See 510 ILCS 5/17)**

3-3-6 LIABILITY OF OWNER OF 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 5/16)**

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

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

ARTICLE IV – TETHERING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-4-2 VARIANCES. Any person seeking a variance from the regulations in this Article shall complete an application at the City Hall. The variance shall be reviewed by the City Council for approval or disapproval.

(510 ILCS 70/3)

CHAPTER 4 – BOARDS AND COMMISSIONS

ARTICLE			*TITLE*	*PAGE*
I	***PLAN COMMISSION***			
	Section 4-1-1	-	*Established*	*4-1*
	Section 4-1-2	-	*Membership*	*4-1*
	Section 4-1-3	-	*Term of Office*	*4-1*
	Section 4-1-4	-	*Procedure*	*4-1*
	Section 4-1-5	-	*Powers and Duties*	*4-1*
	Section 4-1-6	-	*Land Subdivision or Re-Subdivision and the Official Map*	*4-2*
	Section 4-1-7	-	*Improvements*	*4-2*
	Section 4-1-8	-	*Further Purposes*	*4-2*
	Section 4-1-9	-	*Expenditures*	*4-3*
II	***TOURISM ADVISORY BOARD***			
	Section 4-2-1	-	*Creation of Board*	*4-4*
	Section 4-2-2	-	*Membership; Terms*	*4-4*
	Section 4-2-3	-	*Officers*	*4-4*
	Section 4-2-4	-	*Compensation*	*4-4*
	Section 4-2-5	-	*Meetings; Quorum*	*4-4*
	Section 4-2-6	-	*Powers and Duties*	*4-5*
	Section 4-2-7	-	*Expenditure of Funds*	*4-5*

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I – PLAN COMMISSION

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

4-1-2 MEMBERSHIP. The Plan Commission shall consist of **seven (7) members;** said members to be residents of the City, 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 City Council.

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 City Council deems it advisable, they may receive such compensation as provided by the City Council 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 City 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 City Council, 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 City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the City 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 City. Such plan shall be advisory, except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.

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 City Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the City 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 City and the recommended zoning classification for such land upon annexation.

(C) To recommend to the City Council, 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 City Council, 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 City 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 City Council.

(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 City Council.

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

4-1-7 IMPROVEMENTS. The City 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 City Council.

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 City Council and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the City Council and appropriations by the City Council therefore. **(See 65 ILCS 5/11-12-4 and 5/11-12-12)**

ARTICLE II - TOURISM ADVISORY BOARD

4-2-1 CREATION OF BOARD. There is hereby established the City of Altamont Tourism Advisory Board which shall be an agency of the City of Altamont, Illinois. The Board shall have the powers and duties described by this Chapter.

4-2-2 MEMBERSHIP; TERMS. The Tourism Advisory Board shall consist of up to **five (5) voting members** who shall be approved by the Mayor with the advice and consent of the City Council. The initial term of office for all members shall be for **two (2) years**. Thereafter, each member appointed shall serve a term of **three (3) years**, with such terms to be staggered to provide that each year the term of either **three (3)** or **four (4) members** shall expire. The length of the terms for those members appointed after the original **two (2) year** term established in the Chapter creating such appointments.

The Board shall be comprised of individuals who represent various businesses or enterprises within the City such as:

(A) Hotels and Motels
(B) Fraternal Organizations
(C) Restaurants
(D) Recreation (both for profit and non-profit)
(E) Chamber of Commerce
(F) Liquor Establishments
(G) Fairs and Festivals
(H) Retail Businesses

Terms of office shall begin on **May 1** of each year, and in the event of vacancy, the vacancy shall be filled for the unexpired term by appointment of the Mayor with the advice and consent of the City Council. All members shall either be a resident of the City or reside within **ten (10) miles** of the corporate limits of the City.

In addition to the voting members appointed by the Mayor with the advice and consent of the City Council, the Tourism Administrator employed by the City Council shall be an ex-officio non-voting member of the Board and shall be entitled to participate in discussions and deliberations of the Board along with the voting members.

4-2-3 OFFICERS. At the first meeting in May of each year, the Board shall designate **one (1)** of its members as Chairman, **one (1)** as Vice-Chairman and **one (1)** as Secretary. Such officers shall be entitled to make and second motions and to vote on all matters coming before the Board.

The Chairman shall preside at all meetings when present, and in the absence of the Chairman, the Vice-Chairman shall preside. The Secretary shall keep or cause to be kept a record of all the proceedings of the Board which shall be available as are all of the records of the municipality. The records shall be kept in the office of the City Clerk.

4-2-4 COMPENSATION. No members of the Board shall be compensated for serving on the Tourism Advisory Board.

4-2-5 MEETINGS; QUORUM. The Board shall, by rule, provide for regular meetings not less than once each quarter. Notice for meetings shall be in conformance with Illinois statutes. A special meeting may be called at any time by the Chairman or any **two (2) members** upon the giving of **forty-eight (48) hours**' notice to the other members and to any representatives of the media who have requested to be notified of meetings. All meetings shall be held in conformance with the Open Meetings Act of the State of Illinois. A majority of members shall constitute a quorum.

4-2-6 POWERS AND DUTIES. The Board shall have the following powers and duties to accomplish the purposes of this Article.

(A) To have access to and review all financial information relative to the collection of the hotel/motel tax collected by the City;

(B) To expend up to **Five Hundred Dollars ($500.00)** on any **one (1)** expenditure with an annual limitation of **Five Thousand Dollars ($5,000.00)** of the hotel/motel tax collected by the City without approval or authorization of the City Council, provided that such funds be spent solely to promote tourism and conventions within the City or to otherwise attract non-resident overnight visitors to the municipality;

(C) To prepare and submit to the City Council by the **fifteenth (15th) day** of **March** each year a proposed budget for the fiscal year commencing on **May 1** of that year;

(D) To make recommendations and provide advice to the City Council relative to specific expenditures of funds collected by the City from the hotel/motel tax and/or funds received from the State of Illinois for the promotion of tourism within the City;

(E) To assist in the preparation and submission of applications for funding from the State of Illinois or other agencies which have funds available for the promotion of tourism;

(F) To adopt necessary rules to govern the procedures, conduct and operations of the Board;

(G) To make an annual report to the City Council not later than the **thirtieth (30th) day of June** of the activities of the Board for the prior fiscal year;

(H) To provide copies of minutes of the Board to the City Council on a regular basis.

4-2-7 EXPENDITURE OF FUNDS. Except as specifically authorized by **Section 4-2-6(B)** of this Article, the Board shall have no authority to commit or expend funds of the City Council of the City. The authorization for the expenditures of funds in excess of that provided in **Section 4-2-6(B)** shall reside in the City Council.

(Ord. No. 296; 05-28-97)

CHAPTER 6 – BUILDINGS

ARTICLE			*TITLE*	*PAGE*
I	***DEMOLITION***			
	Section 6-1-1	-	*Definitions*	*6-1*
	Section 6-1-2	-	*Permit Required*	*6-1*
	Section 6-1-3	-	*Applications*	*6-1*
	Section 6-1-4	-	*Fees*	*6-1*
	Section 6-1-5	-	*Public Utilities*	*6-1*
	Section 6-1-6	-	*Removal of Materials*	*6-1*
	Section 6-1-7	-	*Protection of Adjoining Property*	*6-2*
	Section 6-1-8	-	*Prompt Completion of Work*	*6-2*
	Section 6-1-9	-	*Backfilling*	*6-2*

CHAPTER 6

BUILDINGS

ARTICLE I – DEMOLITION

6-1-1 DEFINITIONS.

(A) **"Building."** Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure for protection of persons, animals or chattels, including manufactured homes.

(B) **"Owner"** means any person who holds legal or equitable title to, or owns any share beneficial interest in, any Building, or who holds legal or equitable title to share of, or holds any beneficial interest in, any real estate cooperative which owns any Building.

(C) **"Applicant"** means a person obtaining a Permit to Demolish a building.

(d) **"Public Utilities."** Utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

6-1-2 PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to demolish a building in the City without having obtained a permit as is herein required or without complying with the provisions of this Chapter.

6-1-3 APPLICATIONS. Applications for such permits shall be made to the Clerk and shall describe the location of the intended demolition, the name of the person, firm or corporation for whom or for which the demolition is being done. **(See Appendix A)**

6-1-4 FEES. There shall be a fee of **Twenty Dollars ($20.00)** for each permit application. Until all appropriate fees have been paid in full, no action can be taken on any application.

6-1-5 PUBLIC UTILITIES.

(A) Before a building can be demolished or removed, Applicant shall notify all Utility Companies having service connections such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until all utilities are disconnected. All rules and regulations of the Utility Companies along with the City and County Code must be complied with before, during and after the demolition project.

(B) Applicant is responsible for abandoning and capping off sewer services as indicated in **Section 38-5-39** of the Revised Code. It is required that the Sewer Department Supervisor be present and inspect the abandoned sewer service before backfill can be done.

6-1-6 REMOVAL OF MATERIALS.

(A) Material which is not suitable for fill material, including concrete, shall not be used, and shall be removed from the site of the work and disposed of at the Applicant's expense.

(B) All materials to be disposed of shall be disposed of at a State of Illinois disposal area.

(C) Any authorized material remaining on the premises at the completion of the work will delay final acceptance until such material has been removed.

(D) The premises shall be left in an orderly condition, clean and free of debris and/or building materials.

(E) The burning of materials is not authorized or permitted.

(F) Applicant shall comply with all regulations of the Illinois Environmental Protection Agency of the United States Environmental Protection Agency.

6-1-7 PROTECTION OF ADJOINING PROPERTY. The operation of the demolition shall be done in a manner as to avoid hazard to persons' and properties' interference with the use of adjacent buildings or the interruption of free passage to and from such buildings.

6-1-8 PROMPT COMPLETION OF WORK. After work is started on the building, it should be continued promptly and expeditiously. The Applicant shall satisfactorily complete the work within **thirty (30) days** from the date of issuance of the Permit.

6-1-9 BACKFILLING.

(A) Care shall be taken by the Applicant to prevent the occurrence of voids in the fill or undue settlement after the fill has been placed.

(B) Lumber, lathe, concrete slabs, trees or roots will not be permitted in the fill.

(C) Premises shall be filled only with masonry rubble, sand or clean dirt up to the level grade of the existing surrounding area.

(D) Premises shall be topped with a layer of top soil, capable of encouraging vegetation.

(E) Finish grading shall be made and maintained so as to avoid the accumulation of water on the premises, or the illegal diversion of water onto adjoining real estate premises.

(Ord. No. 565-14; 11-10-14)

CHAPTER 7 – BUSINESS CODE

ARTICLE		TITLE	PAGE
I		MOBILE FOOD SERVICE ESTABLISHMENTS	
	Section 7-1-1	- Definitions	7-1
	Section 7-1-2	- Permit Required	7-1
	Section 7-1-3	- Operation Requirements for Mobile Food Service Establishments	7-4
	Section 7-1-4	- Mobile Food Service Vendor Permit Suspension or Revocation	7-5
	Section 7-1-5	- Penalties	7-6
	Section 7-1-6	- Miscellaneous Provisions	7-6
II		SOLICITORS	
	Section 7-2-1	- Definitions	7-7
	Section 7-2-2	- Certificate of Registration	7-7
	Section 7-2-3	- Application for Certificate of Registration	7-7
	Section 7-2-4	- Issuance and Revocation of Certificate	7-8
	Section 7-2-5	- Policy on Soliciting	7-8
	Section 7-2-6	- Notice Regulating Soliciting	7-8
	Section 7-2-7	- Compliance by Solicitors	7-9
	Section 7-2-8	- Uninvited Soliciting Prohibited	7-9
	Section 7-2-9	- Time Limit on Soliciting	7-9
	Section 7-2-10	- Stopping, Standing or Parking Prohibited in Specified Places	7-9
	Section 7-2-11	- Fees	7-10
III		PEDDLERS	
	Section 7-3-1	- License Required	7-11
	Section 7-3-2	- Definition	7-11
	Section 7-3-3	- Applications	7-11
	Section 7-3-4	- Investigation of Applicants	7-11
	Section 7-3-5	- Hours	7-11
	Section 7-3-6	- Fraud	7-11
	Section 7-3-7	- Photographs	7-11
	Section 7-3-8	- Unwanted Peddling	7-12
	Section 7-3-9	- Peddlers as Nuisance	7-12
	Section 7-3-10	- Duty of Police to Abate	7-12
	Section 7-3-11	- Local Businesses and Farmers Excluded	7-12
	Section 7-3-12	- Fees	7-12
IV		COIN-OPERATED MACHINES	
	Section 7-4-1	- Definitions	7-13
	Section 7-4-2	- License Required	7-13
	Section 7-4-3	- Application	7-13
	Section 7-4-4	- Prohibited Licensees	7-13
	Section 7-4-5	- Fees	7-14
	Section 7-4-6	- Non-Assignability of License	7-14
	Section 7-4-7	- Gambling Regulations	7-14
	Section 7-4-8	- Display of License	7-14
	Section 7-4-9	- Right of Entry	7-14
	Section 7-4-10	- Closing Hours	7-14

ARTICLE		TITLE	PAGE
V		RAFFLES AND POKER RUNS	
	Section 7-5-1	- Definitions	7-15
	Section 7-5-2	- Requirement of License	7-16
	Section 7-5-3	- Applications for a License for a Raffle	7-16
	Section 7-5-4	- Application for a License for a Poker Run	7-17
	Section 7-5-5	- Licensee Qualifications	7-17
	Section 7-5-6	- License Issuance	7-18
	Section 7-5-7	- Conduct of Raffles and Poker Runs	7-19
	Section 7-5-8	- Manager – Bond for Raffles	7-19
	Section 7-5-9	- Records	7-19
	Section 7-5-10	- Limited Construction	7-20
	Section 7-5-11	- Prize Limitations; Term	7-20
VI		ADULT USE LICENSING AND REGULATION	
	Section 7-6-1	- Purpose	7-21
	Section 7-6-2	- Definitions	7-21
	Section 7-6-3	- License Required	7-23
	Section 7-6-4	- Issuance of License	7-24
	Section 7-6-5	- Liquor	7-24
	Section 7-6-6	- Fees	7-24
	Section 7-6-7	- Inspection	7-24
	Section 7-6-8	- Expiration of License	7-25
	Section 7-6-9	- Suspension	7-25
	Section 7-6-10	- Revocation	7-25
	Section 7-6-11	- Transfer of License	7-26
	Section 7-6-12	- Business Records	7-26
	Section 7-6-13	- Liquor License	7-26
	Section 7-6-14	- Adult Entertainment Cabarets – Restrictions	7-26
	Section 7-6-15	- Video Viewing Booths – Restrictions	7-26
	Section 7-6-16	- Hours of Operation	7-26
	Section 7-6-17	- Investigation	7-26
VII		GARAGE SALES	
	Section 7-7-1	- Definitions	7-27
	Section 7-7-2	- Restrictions and Limitations of Permitted Sales	7-27

CHAPTER 7

BUSINESS CODE

ARTICLE I – MOBILE FOOD SERVICE ESTABLISHMENTS

7-1-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

(A) **"Mobile Food Service Establishment"** shall mean a self-contained food service operation, located in a readily movable, motorized, wheeled or towed vehicle or other unit, used to store, prepare, display or serve food intended for individual portion service. For purposes of this Article, the term "Mobile Food Service Establishment" shall also mean a tent area used to prepare, display or serve food intended for individual portion service.

(B) **"Person"** shall mean any natural person, firm, partnership, joint venture, club, company, association, syndicate, society, business trust, organization, institution, agency, government corporation, municipal corporation, district or other political subdivision, corporation, limited liability company, proprietorship, contractor, supplier, vendor, vendee, operator, or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "Person" appears in any section of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners of members thereof, and as to corporations or limited liability company, shall include the officers, agents or members thereof who are responsible for any violation of this Article.

7-1-2 PERMIT REQUIRED.

(A) **Requirement.** No Person shall operate, conduct, or maintain a Mobile Food Service Establishment within the corporate limits of the City , unless such Person, shall have first obtained a duly issued and authorized permit issued by the City, authorizing such Mobile Food Service Establishment (hereinafter referred to as the "Mobile Food Service Vendor Permit").

(B) **Application for Permit.** Any Person desiring to secure a Mobile Food Service Vendor Permit from the City, shall complete and file with the City Clerk an application for a Mobile Food Service Vendor Permit on such forms as prescribed by the City Clerk (hereinafter referred to as the "Mobile Food Service Vendor Permit Application"). A Mobile Food Service Vendor Permit Application shall include at least the following information:

(1) Name, business name, permanent business address (which must include a street address), residence address of the principal of the applicant and, if the applicant is a partnership, corporation, or limited liability company, the name and residence address of each officer, shareholder, member, partner, etc.;
(2) Copy of current state photo identification or driver's license;
(3) Description of the food and beverages to be sold in or through the Mobile Food Service Establishment;
(4) The location or locations where the Mobile Food Service Establishment will operate;
(5) If the Mobile Food Service Establishment is located on private property, written consent from the owner of the property authorizing the operation of the Mobile Food Service Establishment;
(6) The date or dates when the Mobile Food Service Establishment will operate;
(7) Whether the applicant seeks an annual permit or a one-day permit;
(8) The date, or approximate date, of the applicant's latest previous application for a permit under this Article, if any;

(9) Whether the applicant has ever been convicted of a violation of any of the provisions of this Article, and whether the applicant's permit has ever been revoked. If the applicant is a partnership, corporation, or limited liability company, whether any officer, shareholder, member, partner of said partnership, corporation, or limited liability company has ever been convicted of a violation of any of the provisions of this Article or had a permit revoked;

(10) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States or is a registered sex offender. If the applicant is a partnership, corporation, or limited liability company, whether any officer, shareholder, member, partner of said partnership, corporation, or limited liability company has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States or is a registered sex offender;

(11) The applicant's registration number under the Retailers' Occupation Tax Act; and,

(12) In addition to information required above, an application for a permit to operate a Mobile Food Service Establishment on City property or a right-of-way shall include:

(a) A signed statement that the applicant shall hold harmless the City, its officers and employees and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Applicant shall furnish and maintain public liability and property damage insurance as will protect applicant, property owner, and the City from all claims from damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. The insurance shall provide coverage of not less than **One Hundred Thousand Dollars ($100,000)** for bodily injury for each person, **Five Hundred Thousand Dollars ($500,000)** for each occurrence and not less than **Fifty Thousand Dollars ($50,000)** for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing, and shall have as additional insured the City, its officers and employees, on a primary, non-contributory basis, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without **thirty (30) days'** written notice to the City Clerk;

(b) A certificate of insurance as provided in this Section;

(c) Proof of registration with the Effingham County Health Department and/or proof of a Certified Food Protection Management Certificate, as applicable; and,

(d) The tax ID number of the applicant.

(C) **Inspection.** Prior to the issuance and/or renewal of a Mobile Food Service Vendor Permit, an applicant shall also present the Mobile Food Service Establishment to the Clerk, or his/her designee, for an inspection to determine whether the Mobile Food Service Establishment complies with the provisions of this Article and may be operated on the streets under the jurisdiction and control of the City.

(D) **Issuance of Permit.** The City Clerk, or his/her designee, is hereby authorized and directed to issue such Mobile Food Service Vendor Permit in accordance with this Article if the City Clerk, or his/her designee, determines that the applicant and the Mobile Food Service Establishment comply with the provisions of this Article, and to further collect the

required Mobile Food Truck Permit Fee imposed under paragraph (E) of this Section. No Mobile Food Service Vendor Permit shall be issued to any Person:

(1) who has been convicted of a felony under the laws of the State of Illinois or any other state or federal law of the United States, within **five (5) years** of the date of the application;

(2) who is a registered sex offender;

(3) who has been twice convicted in the previous **five (5) years** of a violation of any of the provisions of this Article;

(4) whose permit pursuant to this Section has been revoked in the previous **five (5) years**;

(5) who does not have written consent from the owner of the property authorizing the operation of the Mobile Food Service Establishment;

(6) who is lacking an Effingham County Health Department certificate and/or a Certified Food Protection Management Certificate, as applicable; or,

(7) who is lacking an Illinois Department of Revenue tax identification number (unless not selling food for profit).

(E) **Permit Fee.** A Mobile Food Service Vendor Permit Application shall be accompanied by the following applicable fee:

(1) **Two Hundred Fifty Dollars ($250.00)** for an annual permit good for **one (1) year** from the date of issuance; or,

(2) **Thirty Dollars ($30.00)** for a permit good for up to **one (2) twenty-four (24) hour** period,

(hereinafter referred to as the "Mobile Food Service Permit Fee"). Should a Mobile Food Service Vendor Permit Application be denied, the Mobile Food Service Permit Fee shall be refunded to the applicant.

(F) **Continuing Obligation to Supply Information.** The requirement to supply all information required in Mobile Food Service Vendor Permit Application as provided for in paragraph (B) of this Section is a continuing one. If any supplied information or statements become invalid, it is the duty of the Permittee of a Mobile Food Service Vendor Permit to provide updated information to the City.

(G) **Renewal.**

(1) Any Permittee may renew a Mobile Food Service Vendor Permit at the expiration thereof, provided that the Permittee is then qualified to receive a Mobile Food Service Vendor Permit. The requirements for and the procedures for obtaining a renewal of a Mobile Food Service Vendor Permit shall be the same as that provided for in case of an original application for a Mobile Food Service Vendor Permit, however, any application for renewal of an annual Mobile Food Service Vendor Permit shall be filed with the City Clerk not less than **thirty (30) days** prior to the expiration of the annual Mobile Food Service Vendor Permit.

(2) The failure to renew a Mobile Food Service Vendor Permit as prescribed or to pay the required Mobile Food Service Vendor Permit Fee before the expiration date shown on the Mobile Food Service Vendor Permit being renewed shall result in the lapse of the Mobile Food Service Vendor Permit.

(H) **Privilege Granted by Mobile Food Service Vendor Permit.** A Mobile Food Service Vendor Permit issued under this Article shall be purely a personal privilege, good for a period of time listed in the Mobile Food Service Vendor Permit, provided, in no event shall it exceed **one (1) year** after issuance, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such Mobile Food Service Vendor Permit shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the Permittee of a Mobile Food Service Vendor Permit; provided that, the executor of the will or administrator of the estate of any deceased Permittee and the trustee of any insolvent or bankrupt Permittee, when

such estate consists in part of a Mobile Food Service Establishment, may continue the business of the Mobile Food Service Establishment under order of the appropriate court, and may exercise the privileges of the deceased, insolvent, or bankrupt Permittee until the expiration of such Mobile Food Service Vendor Permit or until **six (6) months** after the death, insolvency or bankruptcy of such Permittee, whichever is the shorter period of time.

(I) **Transfer.** All Mobile Food Service Vendor Permits issued under this Article shall be considered personal and may not be transferred to any Person.

(J) **Permit to be Posted.** Every Permittee or holder of a Mobile Food Service Vendor Permit under the provisions of this Article shall cause the Mobile Food Service Vendor Permit to be hung in plain view in a conspicuous place at or near where the Mobile Food Service Establishment is operated.

(K) **Exemptions.** Any obligation to obtain a Mobile Food Service Vendor Permit under this Section, shall not apply to the following:

(1) Any farmers or gardeners selling the produce, including vegetables, fruit, or perishable farm products, of their farms and gardens; and,

(2) Any Mobile Food Service Establishment that is operated at a single event that is sponsored in whole or in part by the City and the Clerk and/or designee grants a waiver from the obligation to obtain a Mobile Food Service Vendor Permit required under this Section.

7-1-3 OPERATION REQUIREMENTS FOR MOBILE FOOD SERVICE ESTABLISHMENTS. No Person shall operate a Mobile Food Service Establishment except in accordance with the following provisions:

(A) Mobile Food Service Establishments are allowed to operate within designated vending areas daily between **6:00 A.M.** and **1:00 A.M.**, except where indicated otherwise.

(B) Every Permittee or holder of an annual Mobile Food Service Vendor Permit shall open the Mobile Food Service Establishment for business within **thirty (30) days** of the granting of the annual Mobile Food Service Vendor Permit and shall keep the annual Mobile Food Service Establishment in continuous operation once the Mobile Food Service Establishment has been opened for business. For purposes of this paragraph, "Continuous Operation" shall mean the operation of a Mobile Food Service Establishment for at least **five (5) hours** a day for a period of at least **five (5) days** a week.

(C) Mobile Food Service Establishments are allowed to operate at a designated vending area on a "first come, first served" basis.

(D) The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall comply with all zoning, land use, nuisance, health and safety, fire code, and building code rules, regulations, standards, and restrictions established by the City.

(E) The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall not block, obstruct, or interfere with vehicular, bicycle or pedestrian flow.

(F) The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall not block, obstruct, or interfere with the access of any public or private fire hydrant, or any building's fire department connection (FDC).

(G) The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall not block, obstruct, or interfere with any ingress or egress from any public or private establishment.

(H) The Mobile Food Service Establishment shall be operated in a manner in which to allow access for emergency vehicles and shall be readily moveable in a timely manner should access to the area be required for such emergency vehicles.

(I) There shall be no tents, tables, chairs or other displays placed within the designated vending areas, except for a small table for condiments. One portable sign board no

greater than **six (6) square feet** in area may be placed within the designated service area near the Mobile Food Service Establishment.

(J) Noise from Mobile Food Service Establishments, including, but not limited to, generators and music, shall not exceed 75 decibels as measured from **ten (10) feet** away.

(K) Mobile Food Service Establishments shall collect all trash and debris resulting from the Mobile Food Service Establishment within **one hundred (100) feet** of the designated vending area.

(L) All decorations utilized by Mobile Food Service Establishments shall be flame resistant.

(M) Any hot surfaces from cooking and heating devices contained on or within the Mobile Food Service Establishment shall be guarded so that the public is protected from physical contact.

(N) **Fire Extinguishers.**

(1) All Mobile Food Service Establishments shall maintain a 4A:60-B:C, (10 lbs ABC red extinguisher) portable fire extinguisher, which shall be located in a conspicuous location where it will be readily accessible and immediately available for use near the point of egress.

(2) If the Mobile Food Service Establishment cooking methods create grease laden vapors, the Mobile Food Service Establishment shall maintain a 6L Class "K" type portable extinguisher, which shall be located in a conspicuous location where it will be readily accessible and immediately available for use near the point of egress.

(3) All required fire extinguishers **shall** bear a current inspection tag validated within the past **twelve (12) months** OR a receipt of purchase within the last **twelve (12) months** shall be available for inspection. Annual inspection shall be performed by a licensed service provider.

(4) All employees working in the Mobile Food Service Establishment **shall** be trained in the proper use of the fire extinguishers.

(O) All Mobile Food Service Establishments shall reimburse the City for any and all electrical service utilized by the Mobile Food Service Establishment from City electrical service connections. The amount of such reimbursement shall be calculated by the City based on an estimated usage, as determined by the City at its sole discretion.

7-1-4 MOBILE FOOD SERVICE VENDOR PERMIT SUSPENSION OR REVOCATION.

(A) The Mayor and/or designee may revoke or suspend any Mobile Food Service Vendor Permit issued by the City if the Mayor and/or designee determines that the Permittee has violated any of the provisions of this Article. No such Mobile Food Service Vendor Permit shall be so revoked or suspended except after a public hearing by the Mayor and/or designee and written notice to the Permittee affording such Permittee an opportunity to appear and defend. All such proceedings shall be instituted by a written citation. Said citation shall state the particular provision, rule, or regulation alleged to have been violated and shall be signed by the Mayor and/or designee. Said citation and a notice of hearing shall be served on the Permittee named therein, not less than **three (3) calendar days** prior to the date specified in the notice of hearing. Service of the citation and notice of hearing on the agent or employee of the Permittee shall constitute service on said Permittee. If the Permittee's whereabouts are unknown or reasonable attempts to serve the Permittee have failed, service shall be by publication in a newspaper of general circulation within the City. Said Permittee named in the citation and notice of hearing shall appear at the time and place designed in said citation and notice of hearing.

(B) The hearing shall be conducted under the rules issued by the Mayor and/or designee. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross-examine witnesses, and be represented by

legal counsel. All such hearings shall be open to the public and the Mayor and/or designee shall reduce all evidence to writing and shall maintain an official record of the proceedings.

(C) The Mayor and/or designee, within **five (5) calendar days** after such hearing, if he/she determines after such hearing that the Mobile Food Service Vendor Permit should be suspended or revoked, shall state the reason or reasons for such determination in a written order, and either the period of suspension for a Mobile Food Service Vendor Permit, or that the Mobile Food Service Vendor Permit has been revoked. The period of the suspension or the declaration of revocation, and all costs shall be clearly set forth in said written order. All costs of the public hearing incurred by the City shall be charged to the Permittee or upon a determination of a violation and the issuance of an order setting forth a suspension, or revocation. A copy of the written order shall be served on the Permittee within the **five (5) calendar** days after the hearing. Service of the written order on the agent or employee of the Permittee shall constitute service on the Permittee. If the Permittee's whereabouts are unknown or reasonable attempts to serve the Permittee have failed, service shall be by publication in a newspaper of general circulation within the City.

(D) Any review of decisions of the Mayor and/or designee shall be as provided for in Section 5/3-101, *et seq.* of the Illinois Code of Civil Procedure.

(E) **Temporary Emergency Suspension.** Notwithstanding anything contained in this Article to the contrary, at any time, for the purposes of preserving the peace; protecting the safety of the public; or abating any imminent, continuing public nuisance, the City Clerk and/or designee may then issue a temporary emergency suspension of that Mobile Food Service Vendor Permit, but in no case shall such temporary emergency suspension exceed **twenty-four (24) hours** from the time of its issuance, except as allowed by law or local ordinance.

7-1-5 PENALTIES.

(A) Pursuant to **65 ILCS 5/1-2-1**, any Person violating, disobeying, omitting, neglecting, or refusing to comply with or unlawfully resisting or opposing the enforcement of any of the provisions of this Article, shall, upon conviction thereof, be deemed guilty of a civil ordinance violation and shall be fined not less than **Two Hundred Fifty Dollars ($250.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

(B) Every act or omission of whatsoever nature constituting a violation of any provision of this Article, by any officer, director, manager or other agent or employee of any holder of a Mobile Food Service Vendor Permit or any Person subject to the provisions of this Article, shall be deemed and held to be the act of such employer or holder of a Mobile Food Service Vendor Permit and the employer or holder of a Mobile Food Service Vendor Permit shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

(C) For violations of this Article, the penalty provided in paragraph (A) of this Section is in addition to, not in lieu of, any administrative action taken by the City Clerk and/or designee as contained within **Section 7-1-4** of tis Article.

7-1-6 MISCELLANEOUS PROVISIONS.

(A) **Invalidity.** In the event a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any other part or parts thereof.

(B) **Effective Date.** This Article shall be in full effect from and after passage and approval as provided by law.

(C) Any ordinance of the City contrary to the terms and conditions of this Article shall be deemed to be repealed.

(Ord. No. 855-26; 03-30-26)

ARTICLE II - SOLICITORS

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

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

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

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

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

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

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

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

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

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

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

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

(D) Physical description of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Certificate of Registration shall state the expiration date thereof.

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

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

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

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

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

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

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

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

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

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

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

7-2-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

7-2-10 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

(A) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(B) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle parked or about to be parked on a street or highway.

(C) Soliciting contributions of the occupant of any vehicle shall be allowed in the City, subject to the following terms and conditions:

(1) The soliciting agency must be registered with the Attorney General as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and making an

appropriation therefore", approved **July 26, 1963**, as amended. **(625 ILCS 5/11-1006)**

(2) The soliciting agency must be engaged in statewide fund-raising activity. **(625 ILCS 5/11-1006)**

(3) Any person engaged in the act of solicitation shall be **sixteen (16) years** of age or more and shall be wearing a high-visibility vest. **(625 ILCS 5/11-1006)**

(4) The soliciting agency shall be liable for any injuries to any person or property during solicitation, which is causally related to an act of ordinary negligence of the soliciting agent. **(625 ILCS 5/11-1006)**

(5) The soliciting agency will fully indemnify the City from any claims, injuries, expenses, or judgments that may arise from the solicitation activity.

(6) The soliciting agency shall carry liability insurance in the minimum amount of **One Million Dollars ($1,000,000.00)** covering soliciting agency and listing the City as additional insured and will file a certified copy of said insurance policy with the City Clerk prior to the solicitation activity.

(7) Solicitations are only permitted at the intersections of Illinois Highway 40 and Main; and Main and Division.

(8) Solicitations are permitted on Friday and/or Saturday only and may begin at **6:00 A.M.** and must end **6:00 P.M.**

(9) A limit of **two (2)** solicitations shall be permitted in any calendar month within the City, for a total not to exceed **twelve (12)** in any calendar year.

(10) The soliciting agent may only make **one (1)** request per year per charity. In addition, only **one (1)** request per charity will be allowed in any calendar year.

(11) Solicitation requests shall be turned into the City Clerk's office at least **forty-five (45) days** prior to the requested date and are subject to Council approval.

(D) Any person, group, corporation, or charity violating this Section may lead to revocation or suspension of the right to solicit funds in the future.
(Ord. No. 365-03; 06-09-03)

(See 626 ILCS 5/11-1006)

7-2-11 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) **Resident:** **$10.00 per person per day.**

(B) **Non-Resident:** **$50.00 per person per year.**

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

ARTICLE III - PEDDLERS

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

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

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

(A) Name and physical description of applicant.

(B) Permanent home and address and local address if operating from such an address.

(C) A brief description of the business and of the goods to be sold.

(D) Name and address of the employer, if any.

(E) The length of time for which the right to do business is desired.

(F) Evidence that the agent is acting on behalf of the corporation he represents.

(G) Statement of the applicant's criminal record other than a traffic record.

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

7-3-4 INVESTIGATION OF APPLICANTS. Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

7-3-5 HOURS. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **10:00 A.M.** or after **5:00 P.M.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

7-3-6 FRAUD. No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this Municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

7-3-7 PHOTOGRAPHS. **Two (2) photographs** of the applicant and such of its employees as will be used in the peddling or merchandising, taken within **sixty (60) days** immediately prior to the filing of the application, which pictures shall be **two inches by two inches (2" x 2"),** showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

7-3-8 UNWANTED PEDDLING. Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

7-3-9 PEDDLERS AS NUISANCE. The practice of going in and upon private residences, business establishments or offices in the Municipality by peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

7-3-10 DUTY OF POLICE TO ABATE. The Police Department of this Municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in **Section 7-3-9.**

7-3-11 LOCAL BUSINESSES AND FARMERS EXCLUDED. The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed.

7-3-12 FEES. The license fees per person to be charged for licenses to peddle in this Municipality, each payable in advance, are hereby fixed and established as follows:

(A) **Resident:** **$10.00 per person per day**

(B) **Non-Resident:** **$50.00 per person per year**

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

ARTICLE IV - COIN-OPERATED MACHINES

7-4-1 DEFINITIONS. Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

"COIN-OPERATED AMUSEMENT DEVICE" means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pinball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

"OPERATOR" is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

"PROPRIETOR" is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

7-4-2 LICENSE REQUIRED. No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this Municipality without having first obtained the proper license therefor.

7-4-3 APPLICATION. Application for license shall be verified by oath or affidavit and contain the following information:

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

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

(C) The address of the place where the applicant proposes to operate.

(D) A statement whether the applicant has made a similar application for a similar license on premises other than those described in the application and the disposition of such other application.

(E) A statement that the applicant has never been convicted of a felony and is not disqualified to receive the license under this Section.

7-4-4 PROHIBITED LICENSEES. No license under this section shall be issued to:

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

(B) Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.

(C) Any person whose license issued under this Article has been revoked for cause.

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

(E) Any corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship or residency within this Municipality.

(F) Any person whose place of business is conducted by a manager or agent unless the manager or agent is of legal age and possesses the same qualifications required of the licensee.

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

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

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

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

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

7-4-7 GAMBLING REGULATIONS.

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

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

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

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

(E) **Fee.** The annual fee shall be **Two Hundred Fifty Dollars ($250.00)** per machine. The annual fee shall be **One Hundred Dollars ($100.00)** per machine.

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

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

7-4-10 CLOSING HOURS. No establishment operating under a license issued under this Article shall be open for use of any such devices between the hours of **12:00 Midnight and 6:00 A.M.** on any day or between **12:00 Midnight Saturday and 12:00 Noon** the following Sunday.

(See 65 ILCS 5/11-55-1)

ARTICLE V – RAFFLES AND POKER RUNS

7-5-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) ***"Business":*** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) ***"Charitable Organization":*** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) ***"Educational Organization":*** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) ***"Fraternal Organization":*** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) ***"Hardship":*** A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the City determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) ***"Key Location":*** The location where the poker run concludes, and the prize or prizes are awarded.

(G) ***"Labor Organization":*** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(H) ***"Licensee":*** An organization which has been issued a license to operate a raffle.

(I) ***"Net Proceeds":*** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

(J) ***"Non-Profit":*** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) ***"Poker Run":*** A prize-awarding event organized by an organization licensed under this Article in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

(L) ***"Raffle":*** A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

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

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

(M) ***"Religious Organization":*** Any church, congregation, society, or organization founded for the purpose of religious worship.

(N) ***"Veterans' Organization":*** An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

7-5-2 REQUIREMENT OF LICENSE.

(A) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

(B) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

7-5-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the City Clerk on the forms provided by the City Clerk.

(B) Applications for licenses under this Article must contain the following information:

(1) The name and address of the applicant organization;
(2) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
(3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
(4) The name, address, telephone number, and age of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
(5) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
(6) The maximum retail value of each prize awarded by a licensee in a single raffle;
(7) The maximum price which may be charged for each raffle chance issued or sold;
(8) The maximum number of days during which chances may be issued or sold;
(9) The area in which raffle chances will be sold or issued;
(10) The time period during which raffle chances will be sold or issued;
(11) The date, time, and name and address of the location or locations at which winning chances will be determined;
(12) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
(13) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C) An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable **Twenty-Five Dollar ($25.00)** filing fee. Such fee shall be paid by cash, credit card or cashier's check. The City Clerk shall refer the application to the Mayor.

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold

and (4) the maximum number of days during which chances may be issued or sold. Some cities have provided for different classes of raffle licensed based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other cities have different classes of license based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within 12-month period); one time emergency license; limited annual raffle license.

7-5-4 APPLICATION FOR A LICENSE FOR A POKER RUN.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the City Clerk on the forms provided by the City Clerk.

(B) Applications for licenses under this Article must contain the following information:

(1) The name and address of the applicant organization;

(2) The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other not-for-profit organization;

(3) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;

(5) The name, address, and telephone number of all locations at which the poker run will be conducted;

(6) The time period during which the poker run will be conducted;

(7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;

(8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and

(9) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(10) The purpose for which the poker run is being conducted.

(C) An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable **Twenty-Five Dollar ($25.00)** filing fee. Such fee shall be paid by cash, cashier's check, or credit card. The City Clerk shall refer the application to the Mayor.

7-5-5 LICENSEE QUALIFICATIONS.

(A) Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the Mayor determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

(B) Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a poker run license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects.

(C) The Mayor may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any raffle or poker run license;

(1) Any person who has been convicted of a felony;

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

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

(4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;

(5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and

(6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

7-5-6 LICENSE ISSUANCE.

(A) The Mayor shall review all raffle license applications and all poker run license applications. The Mayor shall, within **thirty (30) days** from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Mayor shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

(1) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;

(2) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and

(3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) A poker run license shall be issued for the following purposes:

(1) Providing financial assistance to an identified individual or group of individuals suffering extreme hardship as the result of an illness, disability, accident, or disaster; or

(2) To maintain the financial stability of the organization.

(D) Any license issued under this Article shall be non-transferable.

(E) A license shall be valid for one raffle event or one poker run only, unless the Mayor specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed **one (1) year**.

(F) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(G) **Prominent Display of License.**

(1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.

(2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(H) **Miscellaneous Provision for Poker Run License.** Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

7-5-7 CONDUCT OF RAFFLES AND POKER RUNS.

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

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

(2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.

(3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

(6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the City.

7-5-8 MANAGER – BOND FOR RAFFLES.

(A) All operations of and conduct of raffles shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars ($1,000.00)** conditioned upon his/her honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation.

(C) The Mayor is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

7-5-9 RECORDS.

(A) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall

be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

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

(C) Each organization licensed to conduct raffles or poker runs shall report promptly after conclusion of each raffle or poker run to its membership.

(D) Each organization licensed to conduct raffles shall report promptly to the City Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Section.

(E) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(F) The City shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

7-5-10 LIMITED CONSTRUCTION. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

7-5-11 PRIZE LIMITATIONS; TERM.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed **One Million Dollars ($1,000,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle or single poker run shall not exceed **One Million Dollars ($1,000,000.00)**;

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

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

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

(F) Licenses shall be issued to bona fide religious, charitable, labor, fraternal, educational, or veterans' organizations that operate without profit to their members, and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objectives;

(G) The above-mentioned types of organizations shall be defined pursuant to **230 ILCS 15/.01 et seq.**, being the Raffles and Poker Run Act;

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

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

ARTICLE VI – ADULT USE LICENSING AND REGULATION

7-6-1 PURPOSE. The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The City recognizes that such regulation cannot effectively prohibit such uses but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses. **(See Chapter 40 – Zoning Code)**

7-6-2 DEFINITIONS.

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

(1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;

(2) not infrequently features entertainers who display "specified anatomical areas"; or

(3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in or are engaged in explicit simulation of "specified sexual activities".

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms,

enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

(1) human genitals in the state of sexual stimulation or arousal;
(2) acts of human masturbation, sexual intercourse or sodomy; and
(3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Anatomical Areas.** For the purpose of this Article, "specified anatomical areas" means:

(1) less than completely and opaquely covered:
  (a) human genitals;
  (b) pubic region;
  (c) buttocks;
  (d) female breasts below a point immediately above the top of the areola; and
(2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
(2) For which:
  (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
  (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
  (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-6-3 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City pursuant to this Article.

(B) An application for a license shall be made on a form provided by the City.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the City to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

(1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;

(2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.

(3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and

(4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

(1) the business' fictitious name and

(2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-6-4 ISSUANCE OF LICENSE.

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

(1) The applicant is under **eighteen (18) years** of age;

(2) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;

(3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;

(4) The applicant has been denied a license by the City to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;

(5) The applicant has been convicted of a specified criminal activity defined in this Article.

(6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.

(7) The license fee required by this Article has not been paid.

(8) The applicant of the proposed establishment is in violation or not in compliance with all of the provisions of this Article.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with City codes within **twenty (20) days** of receipt of the application by the City.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-6-5 LIQUOR. No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-6-6 FEES. Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Seven Hundred Fifty Dollar ($750.00)** non-refundable application and investigation fee.

7-6-7 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-6-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-6-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the City denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-6-9 SUSPENSION. The City may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult use business premises as authorized by this Article, or

(C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-6-10 REVOCATION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-6-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The City may revoke a license if it determines, after a hearing, that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

(3) A licensee or management personnel has knowingly allowed prostitution on the premises;

(4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;

(5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

(6) A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;

(7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or

(8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the City revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the City finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-6-11 TRANSFER OF LICENSE. A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-6-12 BUSINESS RECORDS. All adult uses shall file a verified report with the City showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-6-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-6-14 ADULT ENTERTAINMENT CABARETS – RESTRICTIONS. All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-6-15 VIDEO VIEWING BOOTHS – RESTRICTIONS. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-6-16 HOURS OF OPERATION. No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-6-17 INVESTIGATION. Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

ARTICLE VII – GARAGE SALES

7-7-1 DEFINITIONS. For purposes of this Chapter, the following words shall be defined as follows:

"Garage Sales" means a sale of new or used items of personal property conducted upon a residential premises offered to the general public and referred to but not limited to a "garage sale", "yard sale", "house sale", "attic sale" or "rummage sale".

7-7-2 RESTRICTIONS AND LIMITATIONS OF PERMITTED SALES. An owner or occupant of residential premises within the limits of the City may conduct a garage sale on his premises, subject to the following restrictions:

(A) Only **three (3) sales** are permitted during a calendar year, not to include organized City-wide yard sales promotions.

(B) No sale conducted pursuant to this Section shall not exceed **three (3) consecutive days** in length.

(C) All sales shall be conducted between the hours of **7:00 A.M.** and **9:00 P.M.**

(D) No sales shall be conducted on public property or right-of-way, unless authorized by the City Council.

(E) As a safety consideration, no advertising for said sale shall be placed in a location blocking the view of traffic, including City utility poles and street signs.

(F) Signs used to advertise shall not exceed **nine (9) square feet** in size.

(G) No items shall be sold at such sale, which are restricted by law.

(Ord. No. 383-04; 03-08-04)

CITY OF ALTAMONT

BUSINESS LICENSE APPLICATION

APPLICATION NO. _____ ANNUAL LICENSE FEE DUE MAY 1ST: $_____

(PLEASE TYPE OR PRINT)

1. Applicant's Name:_____PHONE ( )_____
2. Applicant's Address _____
   City_____ State_____ ZIP_____
3. Length of resident at above address _____years _____months
4. Applicant's Date of Birth ___/___/___ Social Security No._____
5. Marital Status _____ Name of Spouse_____
6. Citizenship of Applicant_____
7. Business Name_____ PHONE ( )_____
8. Business Address_____
   City_____ State_____ ZIP_____
9. Length of Employment _____years _____months
10. All residences and addresses for the last three (3) years if different than above:
    _____
    _____
11. Name and Address of employers during the last three (3) years if different than above:
    _____
    _____
12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:
    _____
13. A description of the subject matter that will be used in the applicant's business:
    _____
14. Has the applicant ever had a license in this municipality? [ ] Yes [ ] No
    If so, when _____
15. Has a license issued to this applicant ever been revoked? [ ] Yes [ ] No
    If "yes", explain: _____
16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.?
    [ ] Yes [ ] No If "yes", explain: _____
    _____
17. Has the applicant ever been convicted of the commission of a felony? [ ] Yes [ ] No
    If "yes", explain: _____
18. LICENSE DATA: Term of License_____
    Fee for License $_____
    Sales Tax Number_____
    License Classification_____
19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):

    _____ _____
    _____ _____

OFFICIAL BUSINESS LICENSE

STATE OF ILLINOIS)
COUNTY OF EFFINGHAM) ss.
CITY OF ALTAMONT)

ILLINOIS SALES TAX NUMBER _____

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

WHEREAS _____, having complied with all the requirements of the laws of the State of Illinois and the ordinances of the **City of Altamont, Illinois** in this behalf made and required license is, by authority of the **City of Altamont, Illinois** given and granted to the __ _____ to _____ at _____ _____ in the **City of Altamont, County of Effingham, and State of Illinois**, from the _____ date hereof until the _____ day of _____, __, said _____ to be subject to all laws of the State of Illinois and all ordinances of the **City of Altamont, Illinois**, not in conflict therewith, which are now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the Mayor of the **City of Altamont, County of Effingham, Illinois** and the seal thereof, this _____ day of _____ _____, ____.

_____
MAYOR
CITY OF ALTAMONT

COUNTERSIGNED:

_____
CITY CLERK
CITY OF ALTAMONT

(SEAL)

CITY OF ALTAMONT

APPLICATION FOR RAFFLE AND/OR POKER RUN LICENSE

Organization Name: _____
Address: _____
Type of Organization: _____
Length of Existence of Organization: _____

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

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

PRESIDENT:

SECRETARY: _____ **Birth Date:** _____
Address: _____
Social Security No.: _____ **Phone No.:** _____

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

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

_____ **This request is for a single raffle and/or poker run license.**
_____ **This request is for a multiple raffle and/or poker run license.**

The aggregate retail value of all prizes to be awarded: $_____
Maximum retail value of each prize to be awarded in the raffle: $_____
The maximum price charged for each raffle chance issued: _____
The area or areas in which raffle chances will be sold or issued: _____
_____
Time period during which raffle chances will be issued or sold: _____
_____
The date, time and location at which winning chances will be determined: _____
_____

Date: _____ **Time:** _____
Location: _____

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

THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE CITY COUNCIL.

CITY OF ALTAMONT

SINGLE RAFFLE LICENSE

License No.: _____

Organization Name: _____

Address: _____

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

Period of time during which raffle chances may be sold: _____
_____
_____

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

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

Date: _____ **Time:** _____

Location: _____

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

WITNESS the hand of the Mayor of the City of Altamont and the Corporate Seal thereof, this _____ day of _____, 20___.

_____
MAYOR
CITY OF ALTAMONT

_____
CITY CLERK
CITY OF ALTAMONT

(SEAL)

CITY OF ALTAMONT
APPLICATION OF REGISTRATION
MOBILE FOOD SERVICE ESTABLISHMENTS

Certificate/Application Number: _____

***** IF APPLICATION IS NOT COMPLETE, NO CERTIFICATE WILL BE ISSUED *****

No person shall operate, conduct, or maintain a mobile food service establishment within the corporate limits of the City of Altamont, Illinois, unless such person, shall have first obtained a duly issued and authorized permit issued by the City of Altamont, Illinois, authorizing such mobile food service establishment.

Applicant's Name: _____ Social Security Number: _____
Date of Birth: _____ Sex: _____ Cell Number: _____
Driver's License No. (attach copy): _____

Business Name

_____

Permanent Business Street Address:

_____

City: _____ State: _____ Zip: _____

<u>If Applicant has partnership, corporation, or limited liability corporation, list the name and residence address of each officer, shareholder, etc.:</u>

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

_____

Last First MI Sex DOB SSN Driver's License No. (attach copy)

(For additional officers, shareholders, etc. attach a separate sheet)

<u>Detailed description of food and/or beverages to be sold in or through the mobile food service establishment:</u>

_____

_____

Location(s) Establishment will operate:

Street Address: _____
City: _____ **State:** _____ **Zip:** _____

Street Address: _____
City: _____ **State:** _____ **Zip:** _____

(For additional addresses attach a separate sheet)

Date(s) and time establishment will operate:

_____

Type of Permit (Choose one): Annual Permit: _____ **One-Day Permit:** _____
(Must pay applicable fee)

Vehicle Description:

License #: _____ **State:** _____ **Year:** _____
Type: _____ **Color:** _____ **Year:** _____
Make: _____ **Model:** _____

Registration Number under Retailer's Occupation Tax Act: _____

Illinois Department of Revenue sales tax number: _____

Has applicant ever been convicted of a violation of any of the provisions of the City's regulations concerning mobile food service establishments or has applicant had a mobile food permit revoked? If the applicant is a partnership, corporation, or limited liability company, has any officer, shareholder, member, partner of said partnership, corporation or limited liability company every been convicted of a violation of any of the provisions of the City's regulations concerning mobile food service establishments or had a permit revoked? Yes: __ No: __

Has any applicant ever been convicted of a felony of any state or federal law or a registered sex offender? If the applicant is a partnership, corporation, or limited liability company, has any officer, shareholder, member, partner of said partnership, corporation, or limited liability company ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States or is a registered sex offender? Yes: _ No __

If the applicant seeks a permit to operate a mobile food service establishment on City property or right-of-way, provide:

1. **Attach copy of proof of registration with the county health department and/or proof of a certified food protection management certificate.**

2. **Applicant must furnish and maintain public liability and property damage insurance as well as protect applicant, property owner, and the City from all claims from damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. The insurance shall provide coverage of not less than One Hundred Thousand Dollars ($100,000) for bodily injury for each person, Three Hundred Thousand Dollars ($300,000) for each occurrence and not less than Fifty Thousand Dollars ($50,000) for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing, and shall have as additional insured the City, its officers and employees, on a primary, non-contributory basis, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without thirty (30) days' written notice to the City Clerk. Attach copy of the required certificate of insurance.**

3. **Attach fully-executed Indemnification and Hold Harmless Agreement.**

I agree, under oath, that the above is true and correct.

_____ _____

Signature **Date**

If the applicant does not own the property where the mobile food service establishment is proposed to be operated, written consent of the property owner must be provided.

Consent of Property Owner:

I/We hereby consent to the operation of the mobile food service establishment at _____ _____ for the period of the permit.

_____ _____

Signature of Owner(s)

For office use: Obtain copies of following:

Copy of State Issued ID or Driver's License
Certificate of Insurance (if on Public Property)
Proof of Registration with Effingham County Health Department and/or Certified Food Protection Management Certificate
Permit Fee

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT
Mobile Food Service Permit
CITY OF ALTAMONT, ILLINOIS

THIS INDEMNIFICATION AND HOLD HARMLESS AGREEMENT (hereinafter referred to as the "Agreement") is entered into this _____ day of _____, 20___ between the City of Altamont, Illinois, 202 North Second Street, Altamont, Illinois (herein referred to as "City"), and _____ (herein referred to as the "Permittee").

WHEREAS, the City has authorized Permittee, subject to the terms and conditions of the provisions of City of Altamont Ordinance No. _____, and other ordinances, resolutions, rules and regulations of the City, to utilize municipal property or right-of-way for the purposes of operating a Mobile Food Service Establishment within only that area specifically designated in Permittee's Mobile Food Service Establishment Permit, which said Mobile Food Service Establishment Permit is attached hereto and marked as Exhibit A and hereby incorporated by reference as though fully stated herein; and,

WHEREAS, as a condition to, and in consideration of, the City granting the Permittee a Mobile Food Service Establishment Permit, the Permittee is obligated to execute this Indemnification and Hold Harmless Agreement.

NOW, THEREFORE, in consideration of the following terms and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Findings. The findings made in the prefatory portion of this Agreement are hereby adopted by the parties.
2. Definitions. Capitalized words and terms used in this Agreement shall have the same meanings specified in Article V of Chapter 15 of the Municipal Code of the City of Altamont, Illinois, as amended from time to time, unless specifically amended herein.
3. City shall allow municipal property and/or right-of-way designated in Permittee's Mobile Food Service Establishment Permit ("Public Property") available to the Permittee for Permittee's non-exclusive use during the term of this Agreement (as provided below), in accordance with the terms and conditions of this Agreement. Said Public Property is, and shall at all times remain, the sole property of the City. Permittee shall hold or possess no right, title, interest in, to, or under the aforesaid Public Property, except as specifically described in this Agreement and the Permittee's Mobile Food Service Establishment Permit.
4. The term of this Agreement shall be from _____ (time/date of commencement) to _____ (time/date of termination) or for such extended period of time as may be mutually agreed by the parties.
5. Permittee agrees to (a) use the Public Property designated in Permittee's Mobile Food Service Establishment Permit in a careful and prudent manner in the regular course of business; and, (b) shall comply with all laws, ordinances and regulations, and any and all insurance provisions, relating to the use of the Public Property designated in Permittee's Mobile Food Service Establishment Permit.
6. Permittee shall not, without the prior written consent of City, make any changes, modifications, alterations, additions, or improvements to the Public Property designated in Permittee's Mobile Food Service Establishment Permit. Any and all such changes, modifications, alterations, additions, or improvements to the Public Property designated in Permittee's Mobile Food Service Establishment Permit shall belong to and become City's property and be subject to the provisions of this Agreement.
7. Permittee assumes the entire risk of loss, theft, damage, or destruction to any of Permittee's property located on, or around, the Public Property, or any other areas, designated in Permittee's Mobile Food Service Establishment Permit, from every cause whatsoever, whether or not covered by insurance, and no such loss shall relieve the Permittee of its obligations under this Agreement.

8. **The City shall have no liability to Permittee or any person whomsoever for any claim, loss, damage, or expense (including attorney fees) of any kind or nature, whether special, consequential, economic or otherwise, caused or alleged to be caused directly, indirectly, incidentally, or consequentially by the use of the Public Property designated in Permittee's Mobile Food Service Establishment Permit, by any incident whatsoever arising in strict liability or otherwise from the City's or Permittee's negligence or otherwise, by the use or maintenance thereof, or for repair of the Public Property designated in Permittee's Mobile Food Service Establishment Permit, or for any loss of business or damage whatsoever and howsoever caused, or arising out of this Agreement.**
9. **Permittee, as a material consideration and as a condition without this Agreement would not have been entered for the privilege of using the Public Property as designated in Permittee's Mobile Food Service Establishment Permit, shall indemnify and hold harmless the City, its representatives, officers, elected officials, agents, beneficiaries, partners, and employees, successors and assigns, jointly and severally, and to assume all risk, responsibility and liability for death of, or injury to any persons, including, but not limited to member, officers, employees, volunteers, representatives, agents, patrons, and licensees of the parties hereto, and for loss, damage, or injury to any property, including, but not limited to that belonging to the parties hereto (together with all liability for any expense, attorneys' fees and costs incurred or sustained by the City, whether in defense of any such claims, demands, actions, and causes of action or in the enforcements of the indemnification rights hereby conferred) arising from, growing out of, or in any manner or degree directly or indirectly caused by, attributable to, or resulting from the use of the Public Property designated in Permittee's Mobile Food Service Establishment Permit, regardless of the negligence of the City, its representatives, officers, elected officials, agents, beneficiaries, partners, and employees, successors and assigns. At the election of the City, the Permittee, upon receipt of notice to the effect, shall assume or join in the defense of any claim based upon allegations purporting to bring such claim within the coverage of this paragraph. Permittee's obligations to defend, indemnify, and hold harmless, as provided in this paragraph, shall survive the expiration, termination, and any and all extensions and assignments of this Agreement.**
10. **Permittee shall not have the right to assign this agreement in whole or in part to any person, firm, partnership, association, or company without prior written consent of the City.**
11. **Permittee further agrees to pay and discharge all costs and expenses (including attorneys' fees) incurred by the City in enforcing any of the terms, provisions, covenants, or indemnities of this Agreement.**
12. **Except for the Permittee's Mobile Food Service Establishment Permit, this Agreement constitutes the entire agreement between the parties. Except for the Permittee's Mobile Food Service Establishment Permit, any prior written or oral agreements of the parties regarding the transaction that is the subject of this Agreement merge with and are superseded by this Agreement. This Agreement may not be changed, amended, or modified except in a writing that is properly signed by all parties.**

Executed at Altamont, Illinois, the day and year first above written.

CITY OF ALTAMONT, ILLINOIS **PERMITTEE**

_____ **By:** _____

APPLICANT/FIELD CHECK

INFORMATION CARD

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

CHAPTER 8 – CABLE TELEVISION

ARTICLE		*TITLE*	*PAGE*
I	*FRANCHISE*		
Section 8-1-1	*-*	*Definitions*	*8-1*
Section 8-1-2	*-*	*Grant of Franchise*	*8-1*
Section 8-1-3	*-*	*Standards of Service*	*8-2*
Section 8-1-4	*-*	*Regulation by the Franchising Authority*	*8-4*
Section 8-1-5	*-*	*Books and Records*	*8-5*
Section 8-1-6	*-*	*Insurance and Indemnification*	*8-5*
Section 8-1-7	*-*	*Enforcement and Termination of Franchise*	*8-6*
Section 8-1-8	*-*	*Miscellaneous Provisions*	*8-7*
II	*CABLE AND VIDEO SERVICE PROVIDER FEE*		
Section 8-2-1	*-*	*Definitions*	*8-9*
Section 8-2-2	*-*	*Cable/Video Service Provider Fee Imposed*	*8-11*
Section 8-2-3	*-*	*Applicable Principles*	*8-12*
Section 8-2-4	*-*	*No Impact on Other Taxes Due From Holder*	*8-12*
Section 8-2-5	*-*	*Audits of Cable/Video Service Provider*	*8-12*
Section 8-2-6	*-*	*Late Fees/Payments*	*8-13*
Section 8-2-7	*-*	*Adoption of Cable and Video Customer Protection Law*	*8-13*

CHAPTER 8

CABLE TELEVISION

ARTICLE I – FRANCHISE

8-1-1 DEFINITIONS. For the purpose of this Franchise, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

(A) ***"Basic Cable"*** is the lowest priced tier of Cable Service that includes the retransmission of local broadcast television signals.

(B) ***"Cable Act"*** means Title VI of the Communications Act of 1934, as amended.

(C) ***"Cable Services"*** shall mean (1) the one-way transmission to subscribers of (a) video programming, or (b) other programming service, and (2) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(D) ***"Cable System"*** shall mean the Grantee's facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple subscribers within the Service Area.

(E) ***"FCC"*** means Federal Communications Commission, or successor governmental entity thereto.

(F) ***"Franchising Authority"*** means the City of Altamont, Illinois.

(G) ***"Grantee"*** means MCC Illinois LLC, or the lawful successor, transferee, or assignee thereof.

(H) ***"Gross Revenue"*** means any revenues received by the Grantee from the operation of the Cable System to provide Cable Services in the Service Area, provided, however, that Gross Revenues shall not include any tax, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a governmental agency, including the FCC User Fee.

(I) ***"Person"*** means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

(J) ***"Public Way"*** shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the Service Area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System.

(K) ***"Service Area"*** means the present boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means, subject to the exceptions in **Section 8-1-3(I)**.

(L) ***"Standard Installation"*** is defined as **one hundred twenty-five (125) feet** from the nearest tap to the Subscriber's terminal.

(M) ***"Subscriber"*** means a person who lawfully receives Cable Service of the Cable System with the Grantee's express permission.

8-1-2 GRANT OF FRANCHISE.

(A) **Grant.** The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area, and for that purpose to erect, install, construct, repair, replace,

reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way such facilities and equipment as may be necessary or appurtenant to the Cable System for the transmission and distribution of Cable Services, data services, information and other communications services or for any other lawful purposes.

(B) **Other Ordinances.** The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. Neither party may unilaterally alter the material rights and obligations set forth in this Franchise. In the event of a conflict between any ordinance and this Franchise, the Franchise shall control.

(C) **Level Playing Field.** The Franchising Authority shall not authorize or permit any person providing video programming services and/or Cable Services to enter into the Franchising Authority's Public Ways in any part of the Service Area on terms or conditions more favorable or less burdensome to such person than those applied to the Grantee pursuant to this Franchise. A Franchising Authority may require insurance or surety in excess of that required under this Franchise in recognition of such operator being either a new entrant or because of the construction requirements specified in that operator's agreement with the Franchising Authority.

(D) **Term.** The Franchise granted hereunder shall be for an initial term of **fifteen (15) years** commencing on the effective date of the Franchise as set forth in **Section 8-1-8(F)**, unless otherwise lawfully terminated in accordance with the terms of this Franchise.

8-1-3 STANDARDS OF SERVICE.

(A) **Conditions of Occupancy.** The Cable System installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways.

(B) **Restoration of Public Ways.** If during the course of the Grantee's construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by the Grantee, Grantee shall replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

(C) **Relocation for the Franchising Authority.** Upon its receipt of reasonable advance written notice, to be not less than **ten (10) business days**, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way, any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right of abandonment of its property.

(D) **Relocation for a Third Party.** The Grantee shall, on the request of any person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way as necessary any property of the Grantee, provided: (1) the expense of such is paid by said person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (2) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be no less than **thirty (30) business days** in the event of a temporary relocation, and no less than **one hundred twenty (120) days** for a permanent relocation.

(E) **Trimming of Trees and Shrubbery.** The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the Cable System.

(F) **Safety Requirements.** Construction, operation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations and the National Electric Safety Code.

(G) **Underground Construction.** In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its Cable System underground. Nothing contained in this subsection shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances.

(H) **Access to Open Trenches.** The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (1) the utility or developer give the Grantee at least **ten (10) days** advance written notice of the availability of the open trench, and (2) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

(I) **Required Extensions of the Cable System.** Grantee agrees to provide Cable Service to all residences in the Service Area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for Cable Service from a potential Subscriber in an unserved area contiguous to Grantee's to existing distribution facilities where there are at least **ten (10) residences** within **one thousand three hundred twenty (1320) cable-bearing strand feet** (one-quarter cable mile) from the portion of the Grantee's trunk or distribution cable which is to be extended, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for the Cable System extension, other than the published Standard/non-Standard Installation fees charged to all Subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, into any annexed area which is not contiguous to the present Service Area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

(J) **Subscriber Charges for Extensions of the Cable System.** No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of **Section 8-1-3(I)** above, the Grantee shall only be required to extend the Cable System to Subscriber(s) in that area if the Subscriber(s) are willing to share the capital costs of extending the Cable System. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per **one thousand three hundred twenty (1320) cable-bearing strand feet** from the Grantee's trunk or distribution cable, and whose denominator equals **ten (10)**. Subscribers who request service hereunder shall bear the remaining cost to extend the Cable System on a *pro rata* basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-Standard Installation charges to extend the Cable System from the tap to the residence.

(K) **Cable Service to Public Buildings.** The Grantee, upon request, shall provide without charge, a Standard Installation and **one (1) outlet** of Basic Cable to those administrative buildings owned and occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its Cable System. The Cable Service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The Cable Service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's Cable System or any loss or damage to Grantee's Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this subsection. The Grantee shall not be required to provide an outlet to such buildings where a non-Standard Installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary Cable System extension and/or non-Standard Installation. If additional outlets of Basic Cable are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

(L) **Emergency Use.** If the Grantee provides an Emergency Alert System ("EAS") such EAS shall be operated in accordance with FCC regulations. The Franchising Authority shall permit only appropriately trained and authorized persons to operate the EAS equipment and shall take reasonable precautions to prevent any use of the Grantee's Cable System in any manner that results in inappropriate use thereof, or any loss or damage to the Cable System. Except to the extent expressly prohibited by law, the Franchising Authority shall hold the Grantee, its employees, officers and assigns harmless from any claims arising out of use of the EAS, including, but not limited to, reasonable attorneys' fees and costs.

(M) **Reimbursement of Costs.** If funds are available to any person using the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.

8-1-4 REGULATION BY THE FRANCHISING AUTHORITY.

(A) **Franchise Fee.**

(1) The Grantee shall pay to the Franchising Authority a franchise fee of **five percent (5%)** of annual Gross Revenues (as defined in **Section 8-1-1** of this Franchise). In accordance with the Cable Act, the **twelve (12) month** period applicable under the Franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within **ninety (90) days** after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

(2) **Limitation on Franchise Fee Actions.** The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be **three (3) years** from the date on which payment by the Grantee is due to the Franchising Authority.

(B) **Rates and Charges.** The Franchising Authority may regulate rates for the provision of Basic Cable and equipment as expressly permitted by federal or state law.

(C) **Renewal of Franchise.**

(1) The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the renewal provisions of federal law.

(2) In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current Franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the Franchise prior to expiration of its term.

(3) Notwithstanding anything to the contrary set forth in this subsection, the Grantee and the Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law the Franchising Authority and the Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof.

(4) The Grantee and the Franchising Authority consider the terms set forth in this subsection to be consistent with the express renewal provisions of the Cable Act.

(D) **Conditions of Sale.** If a renewal or extension of the Grantee's Franchise is denied or the Franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act.

The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the Franchise, the Grantee shall be given at least **twelve (12) months** to effectuate a transfer of its Cable System to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior Franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, the Grantee and the Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law. It is further agreed that the Grantee's continued operation of the Cable System during the **twelve (12) month** period shall not be deemed to be a waiver, nor an extinguishments of, any rights of either the Franchising Authority or the Grantee.

(E) **Transfer of Franchise.** The Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without prior written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System in order to secure indebtedness.

8-1-5 BOOKS AND RECORDS. The Grantee agrees that the Franchising Authority, upon **thirty (30) days** written notice to the Grantee and no more than once annually may review such of its books and records at the Grantee's business office, during normal business hours and on a nondisruptive basis, as is reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise which is under review, so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than **three (3) years**. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing Cable Service in the Service Area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act.

8-1-6 INSURANCE AND INDEMNIFICATION.

(A) **Insurance Requirements.** The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Franchise, Commercial General Liability Insurance in the amount of **One Million Dollars ($1,000,000.00)** combined single limit for bodily injury and property damage. The Franchising Authority shall be designated as an additional insured. Such insurance shall be noncancellable except upon **thirty (30) days** prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.

(B) **Indemnification.** The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or

bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System in the Service Area provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within **ten (10) days** of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

8-1-7 ENFORCEMENT AND TERMINATION OF FRANCHISE.

(A) **Notice of Violation.** In the event that the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

(B) **The Grantee's Right to Cure or Respond.** The Grantee shall have **thirty (30) days** from receipt of the notice described in **Section 8-1-7(A)**:

(1) to respond to the Franchising Authority, contesting the assertion of noncompliance, or

(2) to cure such default, or

(3) in the event that, by nature of default, such default cannot be cured within the **thirty (30) day** period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

(C) **Public Hearing.** In the event that the Grantee fails to respond to the notice described in **Section 8-1-7(A)** pursuant to the procedures set forth in **Section 8-1-7(B)**, or in the event that the alleged default is not remedied within **thirty (30) days** or the date projected pursuant to **Section 8-1-7(B)(3)** above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least **ten (10) days** prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.

(D) **Enforcement.** Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in **Section 8-1-7(C)**, determines that the Grantee is in default of any provision of the Franchise, the Franchising Authority may:

(1) seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

(2) commence an action at law for monetary damages or seek other equitable relief; or

(3) in the case of a substantial default of a material provision of the Franchise, seek to revoke the Franchise in accordance with **Section 8-1-7(E)**.

(E) **Revocation.** Should the Franchising Authority seek to revoke the Franchise after following the procedures set forth in **Sections 8-1-7(A) – (D)** above, the Franchising Authority shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have **ninety (90) days** from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least **thirty (30) days** prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise.

At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other

persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing.

Following the hearing, the Franchising Authority shall determine whether or not the Franchise shall be revoked. If the Franchising Authority determines that the Franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the Franchising Authority to an appropriate court which shall have the power to review the decision of the Franchising Authority *de novo*. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within **sixty (60) days** of Grantee's receipt of the determination of the Franchising Authority.

The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the Franchise.

(F) **Force Majeure.** The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact n the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or Subscribers.

8-1-8 MISCELLANEOUS PROVISIONS.

(A) **Actions of Parties.** In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

(B) **Entire Agreement.** This Franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this Franchise shall be mutually agreed to in writing by the parties.

(C) **Notice.** Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope:

(1) upon receipt when hand delivered with receipt/ acknowledgement,
(2) upon receipt when sent certified, registered mail,
(3) within **five (5) business days** after having been posted in the regular mail or
(4) the next business day if sent by express mail or overnight air courier.

The notices or responses to the Franchising Authority shall be addressed as follows:

City of Altamont
202 N. 2nd
Altamont, IL 62411

The notices or responses to the Grantee shall be addressed as follows:

MCC Illinois LLC
710 West Jefferson
Effingham, IL 62401

Attn: General Manager

With a copy to:

Mediacom Communications Corp.
100 Crystal Run Road
Suite 406A
Middletown, NY 10940
Attn: Vice President
Legal and Regulatory Affairs

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

(D) **Descriptive Headings.** The captions to sections and subsections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

(Ord. No. 349-01; 09-24-01)

ARTICLE II – CABLE AND VIDEO SERVICE PROVIDER FEE

8-2-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

(A) ***"Act"*** shall mean the Illinois Cable and Video Competition Law of 2007, as amended from time to time, **220 ILCS 5/21-100, *et seq.***

(B) ***"Cable Service"*** shall mean:

(1) the one way transmission to Subscribers of (i) Video programming, or (ii) other programming service; and,

(2) Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service.

(C) ***"Cable System"*** shall mean the Holder's facility, consisting of a set of closed-transmission paths and associated signal general, reception, and control equipment that is designed to provide Cable Service and/or Video Service, which includes Video Programming and which is provided to multiple Subscribers within the Service Area.

(D) ***"Cable or Video Service Provider"*** shall mean any person or entity providing Cable Service or Video Service pursuant to authorization under (i) the Cable and Video Competition Law of 2007, the "Act" (ii) Section 11-42-11 of the Illinois Municipal Code; (iii) Section 5-1095 of the Counties Code; or (iv) a master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and other providers of Video Programming, whatever their technology. A Cable or Video Service Provider shall not include a landlord providing only broadcast video programming to a single-family home or other residential dwelling consisting of **four (4)** or less.

(E) ***"Commission"*** shall mean the Illinois Commerce Commission.

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

(1) Gross revenues shall include the following:

(a) Recurring charges for cable service or video service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Security deposits collected from subscribers.

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

(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the

effect of evading the payment of the fee permitted by **220 ILCS 5/21-801(b)** which would otherwise be paid by the cable service or video service.

(4) In the event that internet access and/or internet service is deemed to be a cable service or video service in a final, non-appealable action or legislative action, and other internet service providers are required to make comparable payments to the City, the term "Gross Revenues" shall include fees received by the holder from subscribers for internet access service.

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

(H) ***"Person"*** shall mean any individual, firm, partnership, organization, corporation, limited liability company, association, proprietorship, governmental entity, or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law.

(I) ***"Service Area"*** shall mean the present corporate boundaries of the City and shall include any additions thereto by annexation or other legal means.

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

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

(L) ***"Subscriber"*** shall mean a person who lawfully receives cable service and/or video service with the express permission of a holder.

(M) ***"Video Programming"*** shall mean programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

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

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

(A) **Fee Imposed.** A Service Provider Fee is hereby imposed on any holder providing cable service and/or video service in the City.

(B) **Amount of Fee.** The amount of the fee imposed on any holder providing cable service and/or video service in the City, shall be **five percent (5%)** of the holder's gross revenues as defined in this Article, or the same as the fee paid to the City, by any incumbent cable operator providing cable service or video service.

(C) **Payment.** The holder shall pay the service provider fee to the City, or to the entity designated by the City to receive payment of the service provider fee.

(D) **Notice to the City.** The holder shall notify the City at least **ten (10) calendar days** prior to the date on which the holder begins to offer cable service or video service in the City. If the supplied information provided by the holder becomes invalid or incorrect, it is the duty of the holder to provide updated information to the City within **ten (10) calendar days** from the date said information becomes invalid or incorrect.

(E) **Holder's Liability.** The holder shall be liable for and pay the service provider fee to the City. The holder's liability for the fee shall commence on the first day of the calendar month following **thirty (30) calendar days** after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid,

to the address listed on the holder's application notice sent pursuant to **220 ILCS 5/21-401(b)(6)** to the City.

(F) **Payment Due.** The payment of the service provider fee shall be due on a quarterly basis, **forty-five (45) calendar days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee. No acceptance of the amounts remitted should be construed as an accord that the amounts paid by the holder are correct.

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

(H) **Credit for Other Payments.** An incumbent cable service or video service provider that elects to terminate an existing agreement pursuant to **220 ILCS 5/21-301(c)** with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under paragraph (B) of this Section.

(I) **Billing Subscribers.** The holder may identify and collect the amount of the fee as a separate line item on the regular bill of each subscriber.

8-2-3 APPLICABLE PRINCIPLES. All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-2-4 NO IMPACT ON OTHER TAXES DUE FROM HOLDER. Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the City's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the City's or any other local unit of government's 911 or E911 fees, taxes or charges.

8-2-5 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.

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

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

(C) **Books and Records.** The holder shall authorize the City upon **thirty (30) calendar days'** written notice to the holder and no more than once annually, to review such of the holder's books and records at the holder's business office, during normal business hours and on a nondisruptive basis, as is reasonably necessary to ensure compliance with the terms of this Article. Such notice shall specifically reference the paragraph and/or section of the Ordinance that is under review so that the holder may organize the necessary books and records for easy access by the City. Alternatively, if the books and records are not easily accessible at the local office of the holder, the holder may, at its sole option, choose to pay the reasonable travel costs of the City's representative to view the books and records at the appropriate location. The holder shall not be required to maintain any books and records for the City's compliance purposes longer than **three (3) years**. Notwithstanding anything to the contrary set forth herein, the holder shall not be required to disclose information that it

reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing cable service and/or video service in the service area. The City agrees to treat any information disclosed by the holder as confidential in nature and only to disclose it to employees, representatives, and agents, thereof that have a need to know, or in order to enforce the provisions of this Article.

8-2-6 LATE FEES/PAYMENTS. All fees due and payments which are past due to the City shall be governed in accordance with the provisions of the Local Government Taxpayers' Bill of Rights Act, **50 ILCS 45/1 *et seq.***, which is hereby adopted and incorporated into this Article by reference.

8-2-7 ADOPTION OF CABLE AND VIDEO CUSTOMER PROTECTION LAW.

(A) **Adopt Cable and Video Customer Protection Requirements and Protections.** The customer service requirements and privacy protections set forth in the Cable and Video Customer Protection Law, **220 ILCS 5/22-501 *et seq.***, are hereby adopted and incorporated by reference in this Article and made applicable to any cable or video service provider offering services within the service area of the City.

(B) **Amendments.** Any amendment to the Cable and Video Customer Protection Law that becomes effective, after the effective date of this Article, shall be incorporated into this Article by reference and shall be applicable to all cable or video service providers offering services within the service area of the City. However, any amendment that makes the provisions of the amendment optional for adoption by municipalities shall not be incorporated by reference into this Article without formal action by the City Council of the City.

(C) **Enforcement.** The City does hereby, pursuant to law, declare its intent to enforce all of the customer service and privacy protection requirements of the Cable and Video Customer Protection Law with respect to all complaints received from residents of the City.

(D) **Penalties.** The City, pursuant to **220 ILCS 5/22-501(r)(1)**, hereby adopts the schedule of penalties for any Material Breach of the Cable and Video Customer Protection Law by a cable or video service provider offering services within the service area of the City in addition to the penalties set forth in the Cable and Video Customer Protection Law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed **Seven Hundred Fifty Dollars ($750.00)** for each day of the Material Breach and shall not exceed **Twenty-Five Thousand Dollars ($25,000.00)** for each occurrence of a Material Breach per customer.

(1) For purposes of this Section, the term **"Material Breach"** shall mean any substantial failure of a cable or video service provider to comply with service quality and other standards specified in any provision of the Cable and Video Customer Protection Law.

(2) The City shall give the cable or video service provider written notice of any alleged Material Breach of any provision of the Cable and Video Customer Protection Law or this Article and allow such cable or video service provider at least **thirty (30) calendar days** from the receipt of the notice to remedy the specified Material Breach.

(3) For the purposes of assessing penalties, a Material Breach shall be deemed to occur for each calendar day that a Material Breach has not been remedied by the cable service and/or video service provider.

(E) **Customer Credits.** The City hereby adopts and incorporates by reference in this Article, the schedule of customer credits for violations provided for in the provisions of **220 ILCS 5/22-501(s)**. The credits shall be applied on the statement issued to the customer for the next billing cycle immediately following the violation or discovery of the violation. The cable or video service provider is responsible for providing the credits and the customer shall be under no obligation to request the credit.

(Ord. No. 560-14; 10-22-14)

CHAPTER 9 – CEMETERY

ARTICLE			*TITLE*	*PAGE*
I	*ADMINISTRATION*			
	Section 9-1-1	-	*Cemetery Established*	*9-1*
	Section 9-1-2	-	*Cemetery Board of Managers*	*9-1*
	Section 9-1-3	-	*Additions Thereto*	*9-1*
	Section 9-1-4	-	*Power to Convey Lots - Prices*	*9-1*
	Section 9-1-5	-	*Lot Purchases*	*9-1*
	Section 9-1-6	-	*Proceeds From Sale of Lots*	*9-1*
	Section 9-1-7	-	*Trust Funds*	*9-1*
	Section 9-1-8	-	*Bond of Treasurer*	*9-2*
	Section 9-1-9	-	*Duties of Treasurer*	*9-2*
	Section 9-1-10	-	*Duties of Clerk*	*9-2*
	Section 9-1-11	-	*Ownership of Lot When Deed is Lost*	*9-2*
	Section 9-1-12	-	*Duty of the City Clerk*	*9-2*
II	*REGULATIONS*			
	Section 9-2-1	-	*Firearms*	*9-3*
	Section 9-2-2	-	*Defacement of Property*	*9-3*
	Section 9-2-3	-	*Offenses*	*9-3*
	Section 9-2-4	-	*Concrete Encasements Required*	*9-3*
	Section 9-2-5	-	*Interment*	*9-3*
	Section 9-2-6	-	*Floral Arrangements and Decorations*	*9-3*
	Section 9-2-7	-	*Trees, Shrubs and Other Plants*	*9-4*
	Section 9-2-8	-	*Approval of Placement of Permanent Objects*	*9-4*
	Section 9-2-9	-	*Judgment of Removal*	*9-4*
	Section 9-2-10	-	*Disclaimer of Liability*	*9-4*

CHAPTER 9

CEMETERY

ARTICLE I – ADMINISTRATION

9-1-1 CEMETERY ESTABLISHED. There is hereby established the Altamont Union Cemetery which shall be under the supervision of the Commissioner of Accounts and Finance. **(See 65 ILCS Sec. 5/11-52.1-1)**

9-1-2 CEMETERY BOARD OF MANAGERS. A **three (3) member** Cemetery Board of Managers shall with the advice and consent of the Council be appointed on the **first (1st) day of May** or as soon thereafter as practical.

The members of said Board shall hold their office for a term of **two (2) years** and until their successors are appointed.

The powers of this Board are presented in the section identified as Trust Funds.

9-1-3 ADDITIONS THERETO. The City Council, upon the recommendation of the Committee, may purchase additional land for cemetery purposes. The land may be surveyed and laid out in lots.

9-1-4 POWER TO CONVEY LOTS - PRICES. The Mayor and City Clerk shall be and are hereby authorized and empowered to sell and convey the cemetery lots in the Altamont Union Cemetery, at **One Hundred Fifty Dollars ($150.00)** per grave site.

9-1-5 LOT PURCHASES. Any person desiring to purchase any lot in the cemetery shall pay the price thereof to the City Treasurer, who shall give the purchaser a receipt for the amount paid, in which receipt shall be stated the number of the lot proposed to be purchased, and upon presentation of this receipt to the City Clerk, the purchaser shall be entitled to a conveyance executed by the Mayor and attested by the City Clerk under the corporate seal of the City, conveying to such purchaser the exclusive use of such lot or lots for the purpose specified in this Article, subject to the provisions of this Code, of which conveyance the City Clerk shall keep a record.

The Council shall have full control over the grading of the lots. Any person desiring to reconvey any lot, or part thereof, may do so by giving the City a quit claim deed therefor.

9-1-6 PROCEEDS FROM SALE OF LOTS. The proceeds from the sale of all lots in the cemetery, and all moneys, arising from fines or penalties for the violation of any of the provisions of this Chapter, shall constitute a separate fund called the Cemetery Fund, to be applied to the use of the cemetery, in payment of debts, improvements, ornaments, and maintenance costs.

9-1-7 TRUST FUNDS. The Cemetery Board of Managers is hereby authorized and empowered to receive in trust from the proprietors or owners of any lot or parcel of lot in the cemetery or from any person interested in the maintenance of the same, any gift, devise or bequest of any money or property, either real or personal of the value of not less than **One Hundred Dollars ($100.00),** which may be donated to the City for the use and maintenance of said lot or parcel of lot, or cemetery.

The Board of Managers shall have the right to convert the property into money where a gift is made in the form of real estate or goods and chattels.

Moneys received by the Board of Managers shall be invested in either of the following securities: United States Government bonds, certificate of deposits of Banks and Savings and Loan Associations, provided the deposits of such Savings and Loan Association or Bank are insured as provided for by the United States Federal Government. The Board of Managers shall apply the income from such bonds, and deposits for the perpetual care of the cemetery lot, or parcel of lot, or for the care and maintenance of the Altamont Union Cemetery, as shall be specified in the gift, bequest or devise. **(Ord. No. 35; 07-09-73)**

9-1-8 BOND OF TREASURER. The Treasurer of the Board of Managers shall before entering upon his duties execute a bond payable to the People of the State of Illinois for the use of the City Council, in a penal sum of not less than double the value of the money or property coming into his hands as such Treasurer, conditioned for the faithful performance of his duties and for the faithful accounting for all property which, by virtue of his office comes into his hands, and to be in such form and with such sureties as may be approved by the City Council, the bond to be filed in the office of the City Clerk.

9-1-9 DUTIES OF TREASURER. The Treasurer shall have custody of all money and property received in trust by the Board of Managers, and shall pay out the same only upon the written order of the City Council, and he shall keep permanent books of record of all such trust funds and of all receipts and disbursements thereof, and for what purposes received and disbursed and shall annually make a report in writing to the City Council, under oath showing balances, receipts and disbursements, including a statement showing the amount and principal of trust funds on hand and how invested, which report shall be audited by said Board of Managers, and if found correct, shall be transmitted to the Council at the same time that the Treasurer is required by law to make his report and to be received and preserved in the same manner if found to be correct. **(See 65 ILCS Sec. 5/11-52.2-1)**

9-1-10 DUTIES OF CLERK. The City Clerk, in a book provided for such purposes, shall keep a permanent record of the proceedings of the Board of Managers, signed by the Mayor and attested by the City Clerk, and shall also keep a permanent record of the several trust funds, from what sources received, the amounts thereof, and for what uses and purposes, respectively, and he shall annually at the time of transmitting the Treasurer's report to the Council, make a report in writing, under oath, to the Council, stating therein, substantially the same matter reported by the Treasurer of said Board, which report, if found to be correct, shall be approved and preserved by the Council. **(See 65 ILCS Sec. 5/11-52.2-1)**

9-1-11 OWNERSHIP OF LOT WHEN DEED IS LOST. The persons whose names appear as grantees and purport to be the owners of the lots described on pages 187 to 454, both inclusive, of the Union Cemetery Record No. 1, be, and each and every one is hereby declared to be vested with the full and perfect title to the lot, or parcel of a lot, described on the page on which his or her name appears as the grantee in the deed and wherever such grantee is deceased that the heirs at law or devisees of such deceased person shall and they are hereby declared to have full and perfect title to such lot or parcel of lot.

9-1-12 DUTY OF THE CITY CLERK. It shall hereafter be the duty of the City Clerk to keep a full and perfect record of all of the deeds issued by the City, conveying lots or parcels of lots in the Cemetery. **(Ord. No. 10-30-44)**

ARTICLE II - REGULATIONS

9-2-1 FIREARMS. No person shall discharge any firearm in the City Cemetery, except for former members of the United States armed forces firing salutes during Memorial Day services. No person shall hunt or trespass upon any grave or other appurtenances located in the Cemetery.

9-2-2 DEFACEMENT OF PROPERTY. No person shall negligently, willfully or maliciously injure the fence, gates, entrances or other improvements, or shall cut, break, or injure or carry away any tree, shrub, flower, vine, post, chain or any ornamental thing, or article, or shall deface any of the monuments, tombstones, markers, vaults, or ornaments of any kind in the Altamont Union Cemetery, or throw or deposit any can, glass bottle, or container of any kind, except those placed by persons on the grave of their deceased relatives, or any article or rubbish, in any part of the Cemetery, or shall drive any motor vehicle, or other vehicle, except the hearse, upon any part of the Cemetery other than the main streets or avenues, or shall drive any motor vehicle, or any other vehicle, in and upon the streets and avenues of the Cemetery, during the period of time from **one (1) hour** after sunset to sunrise.

9-2-3 OFFENSES. All offenses listed in **Chapter 27** of the City Code shall be applicable to the Cemetery.

9-2-4 CONCRETE ENCASEMENTS REQUIRED. In all burials use of a concrete box to encase the casket is required.

"Cremation vault" means a container for an urn; made of concrete, metal, fiberglass, or durable plastic.

"Vault" means a container, encasement or enclosure made of concrete, fiberglass or steel which is placed in a grave around a casket to prevent the collapse of the grave and/or to protect the casket or, for burial of an urn. **(Ord. No. 518-12; 09-10-12)**

9-2-5 INTERMENT.

(A) Only **one (1) casket** may be placed in **one (1) grave**; or

(B) Only **one (1) casket** and **one (1) cremation vault**, may be placed in **one (1) grave** only when the casket is placed in the grave first; or

(C) **Three (3) cremation vaults** and no casket may be placed in **one (1) grave**.

(D) The City may restrict the interment or interments of any combination of legal or blood relatives;

(E) The City will require a cremation vault for burials of cremated remains.

(F) The cremation vault will be placed at a location within a grave space as determined by the City.

(G) All cremation graves shall be at least **two and one-half (2 ½) feet** from the ground surface to the top of the cremation vault.

Any exceptions to the requirements outlined in this Section shall be at the discretion of the Mayor and City Council. **(Ord. No. 518-12; 09-10-12)**

9-2-6 FLORAL ARRANGEMENTS AND DECORATIONS. Arrangements, including fresh cut flowers, in approved monument vases or saddles on monuments are permitted at any time.

One (1) shepherd hook per grave marker is allowed at any time and must be placed with the stake within inches of the stone and the decoration hanging over the stone. Shepherd hooks not used within **one (1) year** may be removed at the discretion of the City.

Ground decorations, potted plants and solar lights are not allowed **March 15th** to **October 31st**, except for honorary days listed below.

Ground decorations and potted plants are permitted **five (5) days** before to **five (5) days** after the following honorary days:

Easter
Mother's Day
Memorial Day
Father's Day

Winter decorations shall be removed from the cemetery on or before **March 15th** of each year.

Recent internment shall be honored with a special provision allowing funeral designs and floral pieces until they become unsightly.
(Ord. No. 530-13; 02-25-13)

9-2-7 TREES, SHRUBS AND OTHER PLANTS. Planting of trees will be allowed when an empty grave space is purchased for such purpose or within the memorial tree locations designated by the City. Trees within an empty grave space shall be planted in the middle of the grave as directed by the City. A written request indicating the type of planting and location shall be submitted to the City for approval.

Tree plantings require experience and oftentimes special equipment. No person, firm, corporation, nursery or the personnel of the City shall be permitted to make nursery plantings in the cemetery without prior approval. Any nursery that refuses or fails to comply with the City's rules and regulations shall not be given the privilege to enter on the cemetery grounds for nursery purposes until violations are brought into compliance.

Private plantings of annuals or perennials are not permitted. Plantings are subject ot removal by the City.
(Ord. No. 530-13; 02-25-13)

9-2-8 APPROVAL OF PLACEMENT OF PERMANENT OBJECTS. A written request must be submitted to the City for approval, to place anything of permanent nature, including floral receptacles, in Union Cemetery, except monuments and grave markers. **(Ord. No. 530-13; 02-25-13)**

9-2-9 JUDGMENT OF REMOVAL. The City shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, groundcover or objects of any kind from the cemetery as soon as, in the judgment of the City, they become unsightly (faded, discolored, weather damaged, dislodged, or not in season), dangerous, detrimental, or when it does not conform to the standards maintained.

The City reserves the right to regulate the method of decorating lots so that a uniform beauty may be maintained. The City reserves the right to prevent the placement of any flowers, floral designs, trees, shrubs, plants or objects of any kind unless it gives consent.
(Ord. No. 530-13; 02-25-13)

9-2-10 DISCLAIMER OF LIABILITY. The City shall not be responsible for lost, misplaced or broken flower vases. The City shall not be responsible for any wreath, spray, floral decorations, plants, herbage, plantings or objects of any kind damaged by the elements, thieves, vandals or by other causes beyond the City's control. **(Ord. No. 530-13; 02-25-13)**

CHAPTER 11 – ELECTRIC SYSTEM

ARTICLE			*TITLE*	*PAGE*
I	*RATES*			
	Section 11-1-1	-	*Rates Established*	*11-1*
II	*PAYMENT REGULATIONS*			
	Section 11-2-1	-	*Payment for Electric Services*	*11-9*
	Section 11-2-2	-	*Liability for Charges*	*11-10*
	Section 11-2-3	-	*Reconnection Fee*	*11-10*
	Section 11-2-4	-	*Payment of Prior Balances*	*11-10*
	Section 11-2-5	-	*No New Service to Persons Owing Charges in Arrears*	*11-10*
	Section 11-2-6	-	*Discontinuance of Electric Service*	*11-10*
	Section 11-2-7	-	*Deferred Payment Agreements*	*11-11*
III	*NET METERING POLICY*			
	Section 11-3-1	-	*Adoption*	*11-13*
	Exhibit "A"	-	*Net Metering Policy*	*11-14*
	Exhibit "B"	-	*Terms and Conditions for Interconnection*	*11-16*

CHAPTER 11

ELECTRIC SYSTEM

ARTICLE I – RATES

11-1-1 RATES ESTABLISHED. There shall and there are hereby established rates and charges for the use of and for the service supplied by the electric system of the City of Altamont ("Utility"), based upon the amount of electricity consumed and for facilities provided as follows:

(A) **Residential Rate R1:**

(1) **Availability.** Any customer located in territory served by Utility may take service under this rate subject to the following conditions:

(a) Residential customers in a single family dwelling or single family unit located in an apartment building or general farm purposes, and

(b) That the energy delivered is not resold or redistributed, and

(c) That the customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

(2) **Conditions of Service.**

(a) Service will be delivered to customer at no more than one of the following standard delivery voltages:

Single phase service - 3 wire 120/240 volts

(b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt at a single point of delivery.

(c) Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").

(3) **Rates.**

(a) **Customer Service Charge.**
Customers within City Corporate limits - **$5.21** per month.
Customers outside of City Corporate limits - **$5.37** per month.

(b) **Energy Charge.** The following charges shall apply to all usage for bills issued:
Customers within City Corporate limits - **$.0878/kWHR**
Customers outside of City Corporate limits - **$.0922/kWHR**
(Ord. No. 436-08; 03-10-08)

(c) This section is left intentionally blank.

(d) **Energy Cost Adjustment.** The energy charges in Subsection (3)(b) are subject to the Energy Cost Adjustment ("ECA"). The ECA charge shall be in addition to the stated base rates and charges, and an additional amount shall be added to each bill for the ECA.

The ECA is hereby defined to be the difference in the average cost of energy per kWh purchased by the Utility during the Base Period and average cost of energy per kWh purchased by the Utility during the current Comparison Period.

The Base Period for the energy cost adjustment clause is hereby designated as 5-1-95 to 4-30-96 and the base period energy cost per kWh during the base period has been computed at $.0465 per kWh.

The current Comparison Period shall be defined as the **three (3) months** preceding the billing period.

That as soon as possible, after the end of each current Comparison Period, the cost of purchased energy per kWh during said period shall be compared and the ECA shall be computed. The ECA shall be expressed as an amount per kWh and the ECA shall go into effect at the next billing period after the end of the Current Comparison Period and shall remain in effect until a new ECA has been computed. **(Ord. No. 436-08; 03-10-08)**

(e) **Non-Energy Operating Expense Adjustment.** The non-energy operating expenses shall be reviewed annually by the City. Any percentage change (increase or decrease) in the total non-energy operating expenses changes, based on the latest fiscal year audit, shall be passed directly to all utility bills as determined by the City Council. **(Ord. No. 436-08; 03-10-08)**

(f) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority, including the State of Illinois State Public Utility Revenue Tax, shall be added to the customer's net bill.

(B) **General Service Rate GS-1.**

(1) **Availability.** Any customer located in territory served by Utility may take service under this rate subject to the following conditions:

(a) Customer is non-residential, and

(b) That the energy delivered is not resold or redistributed, and

(c) That the customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

(2) **Conditions of Service.**

(a) Services will be delivered to customer at no more than one of the following standard delivery voltages:

Single phase service - 3 wire 120/240 volts
Three phase service - 4 wire 120/208 volts, grounded WYE

(b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to Customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt of service at a single point of delivery.

(c) Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of

the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").

(3) **Rates.**

(a) **Customer Service Charge.**
Customers within City Corporate limits - **$7.77** per month.
Customers outside of City Corporate limits - **$8.07** per month.

(b) **Energy Charge.** The following charges shall apply to all usage for bills issued:
Customers within City Corporate limits - **$.0894**per kWh.
Customers outside of City Corporate limits - **$.0939** per kWh. **(Ord. No. 436-08; 03-10-08)**

(c) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA outlined in Section (3)(c) of the Residential Rate R1.

(d) **Non-Energy Operating Expense Adjustment.** Customer Service Charges and Energy Charges established are subject to the OAE outlined in Section (3)(e) of the Residential Rate 1. **(Ord. No. 436-08; 03-10-08)**

(e) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority including the State of Illinois State Public Utility Revenue Tax shall be added to the customer's net bill.

(C) **General Service Rate GS-2.**

(1) **Availability.** Any customer located in territory served by Utility may take service under this rate subject to the following conditions:

(a) Customer is non-residential, and

(b) Customer's monthly demand, as determined by the Utility, is more than 20 kW, or Customer's usage is greater than 8,000 kWHrs in any **one (1) month**, and
Once Customer's service category is established as GS-2, return to the GS-1 service category will only be made when Customer has failed to meet the criteria for service under GS-2 for a continuous period of **twelve (12) months**, and

(c) That the energy delivered is not resold or redistributed, and

(d) That the customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

(2) **Conditions of Service.**

(a) Services will be delivered to customer at no more than one of the following standard delivery voltages:

(i) **Secondary service.**
Single phase service--3 wire 120/240 volts
--3 wire 120/208 volts (Network)
Three phase service--4 wire 120/208 volts, grounded WYE
--4 wire 277/480 volts, grounded WYE

(ii) **Primary service.**
2,400/4,160 or 7,200/12,470 volts, 4-wire grounded WYE connected, and as available at customer's location.

(iii) Other standard voltages may be provided by Utility, as available.

(b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified

location to customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt at a single point of delivery.

(c) Service shall be metered for both energy (kWh) usage and demand (kW) usage. Demand integration shall be over **fifteen (15) minute** period.

(d) Customer shall be responsible for maintaining power factor at or above **eighty-five percent (85%)** lagging. If Customer's power factor falls below **eighty-five percent (85%)** lagging, Utility will provide written notice to Customer of requirement to improve power factor above threshold level of **eighty-five percent (85%)** lagging. If Customer fails to correct power factor within **ninety (90) days** of such notice to a level acceptable to Utility, Utility shall have the right to apply power factor correction facilities outside of the Customer's facilities at the cost of the Customer or to adjust Customer's monthly billable demand upwards **one percent (1%)** for each **one percent (1%)** under the required **eighty-five (85%)** monthly power factor level.

(e) Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").

(3) **Rates.**

(a) **Customer Service Charge.**
Customers within City Corporate limits - **$13.54** per month.
Customers outside of City Corporate limits - **$12.12** per month.

(b) **Energy Charges.** The following charges for energy shall apply to all usage for bills issued:
Customers within City Corporate limits - **$.0610** per kWh.
Customers outside of City Corporate limits - **$.0641** per kWh. **(Ord. No. 436-08; 03-10-08)**

(c) **Demand Charge.** The following charges for demand shall apply to all usage for bills issued:
Customers within City Corporate limits:
kW Max. Demand $ 6.87

Customers outside City Corporate limits:
kW Max. Demand $ 7.22
(Ord. No. 436-08; 03-10-08)

(i) The maximum demand per month shall be the maximum demand established in the billing month.

(d) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA outlined in Section (3)(c) of the Residential Rate R1.

(e) **Non-Energy Operating Expense Adjustment.** Customer Service Charges and Energy Charges established are subject to the OAE outlined in Section (3)(e) of the Residential Rate 1. **(Ord. No. 436-08; 03-10-08)**

(f) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority including the State of Illinois State Public Utility Revenue Tax shall be added to the customer's net bill.

(D) **Governmental Rate.**

(1) **Rates.**

(a) **Customer Service Charge.**
Customers within City Corporate limits - **$7.77** per month.
Customers outside City Corporate limits - **$8.07** per month.

(b) **Energy Charge.** All municipal buildings, installations, and facilities shall be billed monthly, computed at the following rates:
Customers within City Corporate limits - **$.0878** per kWh consumed.
Customers outside City Corporate limits - **$.0922** per kWh consumed. **(Ord. No. 436-08; 03-10-08)**

(c) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA, as outlined in Section (3)(c) of the Residential Rate R1.

(d) **Non-Energy Operating Expense Adjustment.** Customer Service Charges and Energy Charges established are subject to the OAE outlined in Section (3)(e) of the Residential Rate 1. **(Ord. No. 436-08; 03-10-08)**

(E) **Private Outdoor Lighting.**

(1) **Availability.** Any customer located in territory served by Utility for outdoor lighting service notwithstanding availability provisions in any other rate that all requirements be supplied thereunder.

(2) **Service to be Furnished.** The Utility will furnish and operate the necessary facilities to supply service for outdoor lighting from dusk to dawn for the number of lighting units ordered by the customer, subject to the limitations set forth below.

(3) **Monthly Charges.**

Customers within City Corporate limits

Standard Lighting Unit	Initial Lumens	Monthly Charge
Mercury Vapor		
175 Watt	8,600	$12.50
High Pressure Sodium		
400 Watt	50,000	$16.27

Customers outside City Corporate limits

Standard Lighting Unit	Initial Lumens	Monthly Charge
Mercury Vapor		
175 Watt	8,600	$13.50
High Pressure Sodium		
400 Watt	50,000	$16.27

(a) Standard equipment for lighting units shall consist of either a standard mercury vapor or high pressure sodium lamp, mounted in a luminaire supported on a short bracket (approximately **thirty (30) inches** for mercury vapor and **twenty (20) inches** for high pressure sodium), with photoelectric control.

(b) If the connected load served hereunder is less than **three (3) kilowatts**, and a transformer is required exclusively to serve such load, the transformer shall be treated as an optional facility. If the connected load is **three (3) kilowatts** or more, the customer shall pay only for the installation of the transformer.

(c) **Non-Energy Operating Expense Adjustment.** Customer Service Charges and Energy Charges established are subject to the OAE outlined in Section (3)(e) of the Residential Rate 1. **(Ord. No. 436-08; 03-10-08)**

(d) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority, including the State of Illinois State Public Utility Revenue Tax, shall be added to the customer's net bill.

(4) **Additional Facilities.** Private outdoor lighting units installed under this rate will only be installed on City-owned poles or other City-owned structures.

If the installation of a standard lighting unit requires the installation by the Utility of facilities not required by the Utility for distribution purposes other than private lighting, the Utility will furnish, install, own and maintain the additional facilities (including wood poles of the type established as standard for service hereunder) which may be necessary to provide such lighting from nearby distribution lines. The Utility will make a monthly charge, in addition to the charges set forth above, of **2.1%** of the cost to the Utility of furnishing and installing such facilities. In determining the amount of such monthly charge, the Utility may use unit prices for such additional facilities as the cost base, provided that such unit prices are at or below the Utilities average unit cost for such facilities.

(5) **Ownership and Maintenance of Facilities.** The Utility shall own and be responsible for the maintenance of Utility facilities installed to render the service ordered by the customer, but the Utility shall not be required to remove obstructions or trim trees that may interfere with proper distribution of light from lighting units. The customer will be responsible for the following:

(a) The removal of any obstruction to the installation of facilities.

(b) Provide any permits or easements required for their installation and maintenance.

(c) Provide for access to them by Utility trucks.

If a customer desires installation of a lighting unit on a customer owned pole, such pole must meet Utility standards at the time of installation and as long as the lighting unit remains in service.

(Ord. No. 302; 09-22-97)

(F) **Fairs and Special Events.**

(1) **Availability.** This rate is reserved exclusively for fairs and special public events, and is defined as follows:

(a) Customer is not a Residential or General Service Rate customer, as defined earlier in this Chapter, and

(b) Customer's use of electrical power and energy is reserved for use at fairs and other public events of short duration, and

(c) Customer's use of electrical power and energy is not for manufacturing or other permanent, semi-permanent, or transitory business purposes unrelated to fairs or other public events, and

(d) That the power and energy delivered to the Customer, is not resold or redistributed beyond the boundaries of the Customer's property, and

(e) Such power and energy, which is resold by the Customer is not to be used for manufacturing or other permanent, semi-permanent, or transitory business purposes unrelated to fairs or other public events, and

(f) That the Customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

This Section does not exclude the use, by the Customer or others on the property, of special purpose generators which are not for continuous prime power use or are operated in parallel with the City's distribution system.

(2) **Conditions of Service.**

(a) Services will be delivered to customer at no more than one of the following standard delivery voltages:

(i) **Secondary service.**

Single phase service--3 wire 120/240 volts
--3 wire 120/208 volts (Network)

Three phase service--4 wire 120/208 volts, grounded WYE
--4 wire 277/480 volts, grounded WYE

(ii) **Primary service.**

2,400/4,160 or 7,200/12,470 volts, 4-wire grounded WYE connected, and as available at customer's location.

(iii) Other standard voltages may be provided by Utility, as available.

(b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt at a single point of delivery.

(c) Service shall be metered for both energy (kWh) usage and demand (kW) usage. Demand integration shall be over **fifteen (15) minute** period.

Although demand will be metered for historical purposes, the demand reading will not be used for the generation of bills under this rate class.

(d) Customer shall be responsible for maintaining power factor at or above **eighty-five percent (85%)** lagging. If Customer's power factor falls below **eighty-five percent (85%)** lagging, Utility will provide written notice to Customer of requirement to improve power factor above threshold level of **eighty-five percent (85%)** lagging. If Customer fails to correct power factor within **ninety (90) days** of such notice to a level acceptable to Utility, Utility shall have the right to apply power factor correction facilities outside of the Customer's facilities at the cost of

the Customer or to adjust Customer's monthly billable demand upwards **one percent (1%)** for each **one percent (1%)** under the required **eighty-five (85%)** monthly power factor level.

(e) At its own cost, Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").

(3) **Rates.**

(a) **Customer Service Charge.** Customers outside of City Corporate limits - **$12.77** per month.

(b) **Energy Charges.** The following charges for energy shall apply to all usage for bills issued:
Customers outside of City Corporate limits - **$.0961** per kWh. **(Ord. No. 436-08; 03-10-08)**

(c) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA outlined in Section (3)(c) of the Residential Rate R1.

(d) **Non-Energy Operating Expense Adjustment.** Customer Service Charges and Energy Charges established are subject to the OAE outlined in Section (3)(e) of the Residential Rate 1. **(Ord. No. 436-08; 03-10-08)**

(e) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority including the State of Illinois State Public Utility Revenue Tax shall be added to the customer's net bill.

(Ord. No. 1998-304; 01-26-97)

[ED. NOTE: This Chapter represents all of the regulations pertaining to the City's Electrical System.]

ARTICLE II – PAYMENT REGULATIONS

11-2-1 PAYMENT FOR ELECTRIC SERVICES.

(A) The meters of the City electric system shall be read not later than the **twenty-ninth (29th) day** of each month by the Department Supervisor.

(B) The Department Supervisor shall provide the City Clerk with all meter readings not later than the **twenty-ninth (29th) day** of each month.

(C) The City Clerk shall prepare and mail (by regular U.S. mail) all electric service bills not later than the **sixth (6th) day** of each month.

(D) All electric service bills shall be due and payable by the customer not later than the **seventeenth (17th) day** of each month.

(E) If an electric service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the electric service bill is considered past due and a **ten percent (10%)** late fee shall be assessed to such customer.

(F) If an electric service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the City Clerk shall mail (by regular U.S. Mail) a Final Delinquency Notice Prior to Disconnection. If an electric service bill is not paid by the customer by **10:00 A.M.** on the specified disconnection date as listed in the Final Delinquency Notice Prior to Disconnection, then: **(See Chapter 38 – Utilities)**

(1) The City Clerk shall immediately inform the Mayor, in writing of the name and address of the customer responsible for the delinquent electric service bill.

(2) The City Clerk shall immediately issue a Disconnect Service Order to the Department Supervisor, and the Department Supervisor shall immediately cause the disconnection of such customer's electric service.

(G) **Electric Lien.**

(1) The charges or rates for electric service are liens on the real estate on or for which service is supplied when the charges or rates become delinquent pursuant to this Section.

(2) The lien of the City shall have no preference over the rights of any purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the filing of a notice of such a lien in the office of the recorder of deeds of the county in which such real estate is located, but shall be superior to all other liens and encumbrances, except tax liens.

(3) The notice of lien shall consist of a sworn statement setting out:

(a) A description of such real estate sufficient for the identification thereof;

(b) The amount of money due for such service; and

(c) The date when such amount became delinquent.

(4) The City has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages of real estate as delineated in **735 ILCS, Article XV**. Suit to foreclose this lien shall be commenced within **seven (7) years** after the date of filing notice of lien.

(5) On payment of the delinquent charges for electric service, together with filing fees, court costs and attorney's fees, if any, by the owner or persons interested in or occupying such property after notice of lien has been filed, the City shall deliver a release of lien to the payor of the above charges, or at the direction of the payor. It shall not be the responsibility of the City to cause the release to be filed for record.

(6) The charges for such electric service shall not be a lien on the real estate affected unless notice shall be personally served or sent by registered mail to the person to whom was sent the tax bill for the

general taxes for the last preceding year on the property, or the owner of the property or the affected occupants of the property. The notice shall contain the substance of this Section of the notice of lien, and shall recite that:

"The receiver of this notice is entitled to a hearing with the designee of the director of public utilities of the City within **ten (10) days** of receiving this notice. A lien may be filed on the real estate for which service is supplied, unless payment of the delinquent electric charges is made within such time."

(Ord. No. 394-04; 11-08-04)

(H) The City has the power to sue the customer in a civil action to recovery the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney's fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**

(I) The term "customer" shall mean any person, corporation or entity that applies for water, sewer, electric, or garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

11-2-2 LIABILITY FOR CHARGES. The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of electric services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City.

11-2-3 RECONNECTION FEE. When electrical service to a customer has been discontinued for nonpayment of charges, a reconnection charge of **Twenty-Five Dollars ($25.00)** shall be made if reconnection is made during normal working hours and a charge of **Fifty Dollars ($50.00)** shall be made if such reconnection is made after normal working hours.

11-2-4 PAYMENT OF PRIOR BALANCES. The City shall not be required to connect or provide any service to any customer until all previous balances for electrical service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's utility collection office.

11-2-5 NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS. No person owing utility charges and removing to other premises where there are City utility connections or where connections shall afterwards be made shall be served until such charges in arrears are paid in full.

11-2-6 DISCONTINUANCE OF ELECTRIC SERVICE.

(A) **Discontinuance.** A utility may discontinue electric service when any customer fails to do any of the following:

(1) make a deposit or increase a deposit pursuant to **Section 38-2-6**;

(2) pay a past due bill owed to the utility for electric service furnished at the same location or at another location. For purposes of this subsection, a utility may discontinue electric service if the current customer is liable for a past due bill for electric services pursuant to Section 15 of the Rights of Married Persons Act **(750 ILCS 6-5/15)**; unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to City of Altamont

Ordinance Number 370-03 and/or enters into a deferred payment agreement pursuant to **Section 11-2-7**;

(3) make payment in accordance with the terms of a deferred payment agreement;

(4) provide utility representatives with access to the meter;

(5) comply with the rules and regulations of the City Electric Department.

(B) Termination of electric utility service to all residential users, for nonpayment of bills where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence is prohibited:

(1) any day when the National Weather Service forecast for the following **twenty-four (24) hours** covering the area in which the residence is located includes a forecast that the temperature will be **twenty degrees Fahrenheit (20°F)** or below; or

(2) any day preceding a holiday or weekend when such a forecast indicates that the temperature will be **twenty degrees Fahrenheit (20°F)** or below during the holiday or weekend.

(C) Notwithstanding any of the foregoing provisions, discontinuance of electric service of residential customers is prohibited for up to **sixty (60) days** when discontinuance of electric service will aggravate an existing serious illness of any person who is a permanent resident of the premises where electric service is rendered if the customer complies with the following requirements regarding such illness:

(1) The illness must be certified to the City by a registered physician or local board of health. The certification shall be in writing and shall include the name of the ill person, a statement that he/she is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the illness, and the period of time during which termination will aggravate the illness;

(2) Initial certification shall prohibit discontinuance of service for **thirty (30) days**. Certification may be renewed by the customer for an additional **thirty (30) days** by providing another certificate to the utility. Failure to renew the certificate shall entitle the utility to initiate the discontinuance procedures;

(3) The customer may enter into a deferred payment agreement pursuant to **Section 11-2-7** for the retirement of the unpaid balance of the account within the first **thirty (30) days** and keep the current account paid during the period that the unpaid balance is to be retired.

(4) In the event electric service is terminated within **fourteen (14) days** prior to certification of illness by or for a qualifying resident, electric service shall be restored to the residence if a proper certificate is thereafter made in accordance with the foregoing provisions.

(5) Nothing in this Article shall be construed to prevent discontinuance of service for reasons of safety, health, or cooperation with civil authorities.

11-2-7 DEFERRED PAYMENT AGREEMENTS.

(A) Residential customers who are indebted to the City for past due water service may have the opportunity, at the discretion of the City, to make arrangements with the City to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement.

(B) The terms and conditions of a reasonable deferred payment agreement and the City's decision whether or not to offer a customer for service a deferred payment

agreement shall be determined by the City after consideration of the following factors, based upon information available from current utility records or provided by the customer:

(1) size of past due account; and
(2) customer or customer's ability to pay; and
(3) customer or customer's payment history; and
(4) reason for outstanding indebtedness; and
(5) any other relevant factors relating to the circumstances of the customer or customer's service.

(C) When entering into a deferred payment agreement, the customer shall pay **one-fourth (1/4)** of the amount past due and owing at the time of entering into the deferred payment agreement. The City shall allow a minimum of **three (3) months** from the date of said agreement for payment to be made under a deferred payment agreement. Late payment charges may be assessed against the amount deferred payment agreement with a customer during a **twelve (12) month** period.

(D) A deferred payment agreement shall be in writing, with a copy provided to customer, and shall conform to the following requirements:

(1) the customer shall be required to pay all future bills for water service by the due date; and
(2) the customer retire his/her debt according to the terms of the deferred payment agreement.

(Ord. No. 394-04; 11-08-04)

ARTICLE III – NET METERING POLICY

11-3-1 ADOPTION. The following policies and forms are replaced upon approval of this Article and Exhibits to this Article are found on file at the City Hall.

(A) Self-Generation Net Metering Policy – Exhibit A
(B) Interconnection Agreement – Exhibit B
(C) Self-Generation Interconnection Policy – Exhibit C
(D) Interconnection Request Application Form (Greater than 25kW) – Exhibit D
(E) Interconnection Request Application Form Inverter-Based Generation Facilities (25kW and Smaller) – Exhibit E

(Ord. No. 859-26; 05-11-26)

CHAPTER 12 – ENTERPRISE ZONE

ARTICLE			*TITLE*	*PAGE*
I	*GENERALLY*			
	Section 12-1-1	-	*Zone Established*	*12-1*
	Section 12-1-2	-	*Length of Enterprise Zone*	*12-1*
	Section 12-1-3	-	*Legal Description*	*12-1*
	Section 12-1-4	-	*Qualified as Zone*	*12-1*
	Section 12-1-5	-	*Local Incentives*	*12-1*
	Section 12-1-6	-	*Tax Abatement*	*12-2*
	Section 12-1-7	-	*Construction Permit Fees Waived*	*12-3*
	Section 12-1-8	-	*Sales Tax Exclusions*	*12-3*
	Section 12-1-9	-	*Targeting Funds for Projects*	*12-3*
	Section 12-1-10	-	*Administrator Designated*	*12-4*
	Section 12-1-11	-	*Additional Incentives Allowed*	*12-4*
	Exhibit "A"	-	*Legal Description of Amended Enterprise Zone*	*12-5*

CHAPTER 12

ENTERPRISE ZONE

ARTICLE I – GENERALLY

12-1-1 ZONE ESTABLISHED. The City of Altamont, Illinois hereby establishes an "Enterprise Zone", pursuant to authority granted by the Illinois Enterprise Zone Act (the "Act"; PA 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Community Affairs, and subject to the provisions of the Act.

12-1-2 LENGTH OF ENTERPRISE ZONE. The term of the zone shall commence with the date the Altamont Enterprise Zone is designated and certified by the Illinois Department of Commerce and Community Affairs pursuant to Section 5.3 of the Act and shall terminate at midnight of **December 31** of the **twentieth (20th) year** after the year in which the Enterprise Zone is certified.

12-1-3 LEGAL DESCRIPTION. As established by the City of Altamont and approved by the Illinois Department of Commerce and Community Affairs (DCCA), the area encompassed by the Altamont Enterprise Zone shall be as described in **"Exhibit A"** and as outlined in the map in **"Exhibit B",** which are attached to this Chapter and made a part hereof.

12-1-4 QUALIFIED AS ZONE. The City hereby declares and affirms that the Altamont Enterprise Zone is qualified for certification as an Enterprise Zone, and further affirms that:

(A) the zone is a contiguous area;

(B) the zone comprises a minimum of **one-half (1/2) square mile** and not more than **ten (10) square miles** in total area;

(C) the zone area is an economically distressed area as defined by the regulations promulgated by the Illinois Department of Commerce and Community Affairs in that the area designated as the Enterprise Zone meets the "low-income test" for eligibility therein prescribed;

(D) the zone satisfies the additional conditions and criteria established by the Illinois Enterprise Zone Act and the regulations promulgated by the Illinois Department of Commerce and Community Affairs; and

(E) that on **January 25, 1991**, the City of Altamont, Illinois conducted a public hearing within the Altamont Enterprise Zone on the question of whether to create the Enterprise Zone, what local plans, tax incentives and other programs should be established in connection with the Enterprise Zone, and what the initial and future boundaries of the Altamont Enterprise Zone should be, and that public notice was given in at least one local newspaper of general circulation within the Enterprise Zone, not more than **twenty (20) days** nor less than **five (5) days** before the hearing.

The Altamont Enterprise Zone shall be governed, managed and operated by an Enterprise Zone Administrator under the general supervision of a **five (5)** to **seven (7) member** Enterprise Zone Board in accordance with appointments to be made by the Mayor of the City of Altamont, Illinois and confirmed by the Altamont City Council as set forth in **"Exhibit C"** (which is attached hereto and incorporated by this reference).

12-1-5 LOCAL INCENTIVES. The Mayor and City Council of the City of Altamont, in an effort to facilitate the successful operation of the Altamont Enterprise Zone, hereby authorize and agree to provide a range of local development incentives and inducements (to complement the range of state incentives) throughout the life of the Enterprise Zone in

accordance with the policies and procedures set forth in **Sections 12-1-6** through **12-1-9** of this Chapter and those which may be established and implemented following certification of the Altamont Enterprise Zone by the Illinois Department of Commerce and Community Affairs.

12-1-6 TAX ABATEMENT. The City of Altamont shall provide property (i.e., real estate) tax abatement for projects within the Altamont Enterprise Zone in accordance with the following provisions:

(A) **Industrial Projects.** Those projects where the primary use of the project land and building(s) is of a manufacturing, assembling, wholesale or warehouse/distribution nature. Projects meeting this definition are eligible to receive property (i.e., real estate) tax abatement of **one hundred percent (100%)** of the increased assessment amount which would accrue from expansion, rehabilitation or new construction for a **ten (10) year period** beginning with the tax year in which the new increased assessment amount would be levied. However, under no circumstances shall the real estate tax abatement period extend beyond the **twenty (20) year** life of the Altamont Enterprise Zone as provided for in **Section 12-1-2** of this Chapter.

Expansion shall be herein defined as the construction of any part of a building that results in an increase in any exterior dimension of an existing building and has at least **one (1) wall** or floor in common with an existing building. Rehabilitation shall herein be defined as the improvement of any part of an existing building that does not result in an increase in any exterior dimension of the building. New construction shall be herein defined as the improvement of any tract of land or site with a building where the interior space is encased by exterior walls, none of which are common along any plane or otherwise shared with an existing building.

(B) **Commercial Projects.** Those projects where the primary use of the project land and building(s) is of a retail or service nature. Commercial projects shall include nursing homes, and multi-family residential developments of **six (6) units** or more. Projects meeting this definition are eligible to receive property (i.e., real estate) tax abatement of **one hundred percent (100%)** of the increased assessment amount which would accrue from expansion, rehabilitation or new construction.

Expansion, rehabilitation or new construction shall be defined as set forth in **Section 12-1-6(A)** above for a **five (5) year** period beginning with the tax year in which the new increased assessment amount would be levied. However, under no circumstances shall the real estate tax abatement period extend beyond the **twenty (20) year** life of the Altamont Enterprise Zone as provided for in **Section 12-1-2** of this Chapter.

(C) **Residential Projects.** Those projects where the primary use of the project land and building(s) is to provide a single-family detached dwelling or a multi-family dwelling of up to **five (5) attached units**. Projects meeting this definition are eligible to receive property (i.e., real estate) tax abatement of **one hundred percent (100%)** of the increased assessment amount which would accrue from expansion, rehabilitation or new construction.

Expansion, rehabilitation or new construction shall be defined as set forth in **Section 12-1-6(A)** of this Chapter for a **five (5) year** period beginning with the tax year in which the new increased assessment amount would be levied. However, under no circumstances shall the abatement period extend beyond the **twenty (20) year** life of the Altamont Enterprise Zone as provided for in **Section 12-1-2** of this Chapter.

(D) The City of Altamont hereby authorizes and directs the Effingham County Clerk to abate that portion of the property tax due to the City of Altamont which is attributable to the construction of, improvements to and/or renovation/rehabilitation of future improvements to any industrial, commercial or residential real property located within the boundaries of the Altamont Enterprise Zone for the time periods specified in this Chapter.

However, during the abatement period established by the Altamont Enterprise Zone, all property taxes (i.e., real estate taxes) previously levied on the existing land and building(s) would continue to be paid annually based on the "pre-project" land and building(s) "base" in accordance with the property's established equalized assessed valuation and the applicable tax rates.

12-1-7 CONSTRUCTION PERMIT FEES WAIVED. The City of Altamont, Illinois, hereby agrees to waive the amount which would customarily be charged for any and all fees or permits for rehabilitation, expansion or new construction associated with industrial, commercial and/or residential projects located within the Altamont Enterprise Zone. The provision of this incentive shall not be construed to provide for the elimination of any permit. All construction-related permits shall continue to be required for any project, as has been the case in the past and as may be required in the future by the Altamont City Council. This waiver of municipal fees normally collected by the City of Altamont shall not include water and sewer tap fee. etc.

12-1-8 SALES TAX EXCLUSIONS. The City of Altamont hereby authorizes claims for "point of sale" exemptions under Section 5(K) of the Retailers' Occupation Tax Act by each retailer or vendor whose place of business is located within the City of Altamont corporate limits. Such sales tax exemptions shall only be authorized in connection with the sale of building materials to be incorporated into real estate within the Altamont Enterprise Zone for rehabilitation, expansion and/or new construction of residential, commercial or industrial projects.

The retailer may grant an exemption of the tax under the Retailers' Occupation Tax Act in accordance with the provisions of the Illinois Enterprise Zone Act and the terms of this Chapter. In order to receive the retail sales tax exemption or credit (which is provided through the building materials retailer), the following qualification criteria must be met:

(A) The materials must be purchased within the City of Altamont through a legitimate building materials retailer and/or distributor.

(B) The building materials must be permanently affixed to real estate located within the Altamont Enterprise Zone.

(C) Only industrial or commercial projects which normally require a building permit (from the City of Altamont) or involve the aggregate purchase of building materials costing **Five Thousand Dollars ($5,000.00)** or more (within **twelve (12) months** of the issuance of a certificate of eligibility) will be eligible to receive the credit.

(D) Only residential projects which normally require a building permit (from the City of Altamont) or involve the aggregate purchase of building materials costing **Three Thousand Dollars ($3,000.00)** or more (within **twelve (12) months** of the issuance of a certificate of eligibility) will be eligible to receive the credit. **(Ord. No. 504-11; 12-27-11)**

(E) Evidence of a project's physical location within the Altamont Enterprise Zone in the form of a "Certificate of Eligibility" provided by the Enterprise Zone Administrator (or a copy of the City's building permit (where applicable) issued by the City's Building Official) must be presented to the retailer at the time of building material purchase to implement this incentive.

(F) "Certificate of Eligibility" shall be valid for **twelve (12) months** from the date of issuance. Certificates may be extended for an additional period of **twelve (12) months** upon re-application to the Enterprise Zone Administrator. Such extensions shall be granted no more than **two (2) times** for any **one (1) project** and are subject to a determination by the Enterprise Zone Administrator that they are necessary to complete the project and are not necessitated by the failure of the applicant to diligently pursue construction. **(Ord. No. 246-92; 04-13-92)**

12-1-9 TARGETING FUNDS FOR PROJECTS. The City of Altamont hereby agrees to target funds it is scheduled to receive or may in the future receive from the sources listed below on a "first priority basis" to projects located within the Altamont Enterprise Zone. Such targeting means that to the extent qualifying specific projects and/or project areas exist within the Altamont Enterprise Zone (in accordance with the criteria established for each source/program), the City of Altamont will give priority consideration to the use of such funds to support projects or areas within the Altamont Enterprise Zone. However, this incentive shall not be construed to mean that other worthwhile projects located outside the Altamont Enterprise Zone which more fully meet specific program criteria and/or which demonstrate a greater benefit for the community would be excluded from consideration by the Altamont City Council.

"First Priority" is herein further defined as applying to project evaluation when all aspects of **two (2)** or more simultaneous projects or project areas are "generally equal". In such instances, priority consideration would be given by the Altamont City Council to those projects or areas located within the Altamont Enterprise Zone.

"Projects" are herein defined as including the following items: public infrastructure and/or facility improvements; public sector grant and/or loan programs for commercial, industrial and/or residential properties; job training funds; and public sector land acquisition in support of specific projects, etc. Potential public funds/program sources to be targeted on a "first priority" basis may include the following:

(A) The Small Cities component of the Community Development Assistance Program (CDAP) subsequent to the state approval of the Altamont Enterprise Zone.

(B) JTPA Employee Training funds as may be available through the State of Illinois and/or SDA 23 subsequent to the date of state approval of the Altamont Enterprise Zone.

(C) Industrial revenue bonds, issued through the authority of the City of Altamont, subsequent to the date of state approval of the Altamont Enterprise Zone.

(D) Direct grants and/or pass-through loans to be provided to the City of Altamont under various state business development financing programs, subsequent to the date of state approval of the Altamont Enterprise Zone.

(E) Build Illinois Funds as may be available through the State of Illinois subsequent to the date of state approval of the Altamont Enterprise Zone.

(F) Loans for commercial, industrial and/or residential projects to be made available under any City-established program(s) such as a "Revolving Loan Fund", subsequent to the date of state approval of the Altamont Enterprise Zone.

12-1-10 ADMINISTRATOR DESIGNATED. The Mayor and City Council of the City of Altamont in an effort to successfully facilitate proper management, operation and development of the Altamont Enterprise Zone shall designate an Enterprise Zone Administrator, Deputy Zone Administrator and Enterprise Zone Board in accordance with the provisions set forth in **"Exhibit C"** appended hereto to this Chapter.

12-1-11 ADDITIONAL INCENTIVES ALLOWED. This Chapter does not prohibit the City of Altamont from extending additional tax incentives or reimbursements for residents and business enterprises located within the Altamont Enterprise Zone nor throughout the other areas of the City of Altamont by separate ordinance.

[Unless Otherwise Noted, This Chapter Ord. No. 232; 01-25-91]

EXHIBIT "A"

LEGAL DESCRIPTION OF AMENDED ENTERPRISE ZONE

Beginning at the Northwest corner of the Southeast Quarter of Section Nine (9); thence South, along the West line of the Southeast Quarter of Section Nine (9) and the West line of the Northeast Quarter of Section Sixteen (16), to the Southwest corner of Lot 7 of Goer's Addition; thence East, along the North line of West Grant Avenue, a distance of 270 feet 10 inches, to the Southeast corner of Lot 6 of Goer's Addition; thence North, along the West line of South Tenth Street, a distance of 530 feet, to a point 60 feet West of the Northwest corner of Lot 9 of Marten Heights Subdivision, Part "A"; thence East 490.8 feet, to the Northeast corner of Lot 21 of Marten Heights Subdivision, Part "A"; thence South 530 feet to the Southeast corner of Lot 32 or Marten Heights Subdivision, Part "A", being a point on the North line of West Grant Avenue; thence Southeasterly, to the Northeast corner of Block 1 of D. Alber's Addition, at the intersection of West Grant Avenue and South Eighth Street; thence South, along the West line of South Eighth Street, 1299.3 feet, to the Southeast corner of Lot 9 of Block 3 in Velottie Village Addition; thence Southwesterly, along the Northerly right of way line of U.S. Route 40, to the West line of the Northeast Quarter of Section Sixteen (16); thence South to the Southwest corner of the Northeast Quarter of Section Sixteen (16); thence East, along the South line of the Northeast Quarter of Section Sixteen (16), to the East right of way line of the former Prairie Trunk Railroad Company; thence South, along the East right of way line of the former Prairie Trunk Railroad Company, to the Northwest corner of Lot 36 of the Modified Plat of Southmore Heights First Addition; thence in a South and Easterly direction, along the Northerly lines of Lot 36, Lot 35, Lot 34, and Lot 33 of the Modified Plat of Southmore Heights First Addition, a distance of 772 feet, more or less, to the Northeast corner of said Lot 33; thence Southwesterly, 234 feet, to the Southeast corner of said Lot 33; thence Southeasterly, across Fairlane Circle, to the Northeast corner of Lot 77 of the Modified Plat of Southmore Heights First Addition; thence South 710 feet, to the Southeast corner of Lot 69 of the Modified Plat of Southmore Heights First Addition; thence West 120 feet, to the Southwest corner of said Lot 69; thence North, along the East line of Lincoln Drive, 18 feet, more or less, to a point 60 feet East of the Northeast corner of Lot 101 of the Southmore Heights, Third Addition; thence West 360 feet West of the Northwest corner of Lot 101 of Southmore Heights, Third Addition, thence Southeasterly, along the Southwesterly line of Fairlane Circle, to the Northeast corner of Lot 122 of Southmore Heights, Fourth Addition as Resurveyed; thence South 468.53 feet, to the Southeast corner of Lot 108 of Southmore Heights, Fourth Addition as Resurveyed; thence West 342.87 feet to the Southwest corner of Lot 107 of Southmore Heights, Fourth Addition as Resurveyed; thence South, along the East right of way line of the former Prairie Trunk Railroad Company, a distance of 478.1 feet, more or less, to the Northerly right of way line of Federal Aid Interstate (F.A.I.) Route 70; thence North 70 degrees 52 minutes East, along the Northerly right of way line of F.A.I. Route 70, a distance of 681.6 feet; thence North 1 degree 15 minutes East 215 feet, to a point 20 feet South 1 degree 15 minutes West and 300.5 feet South 88 degrees 15 minutes West of the Northeast corner of Section Twenty-one (21); thence North 88 degrees 15 minutes East 100 feet; thence South 1 degree 15 minutes West 183 feet, to the Northerly right of way line of F.A.I. Route 70; thence North 70 degrees 52 minutes East, along the Northerly right of way line of F.A.I. Route 70, a distance of 150.7 feet, to the Westerly right of way line of Federal Aid Secondary (F.A.S.) Route 712; thence South 1 degree 15 minutes West, along the Westerly right of way line of F.A.S. Route 712, a distance of 679.9 feet; thence North 88 degrees 45 minutes West, along said F.A.S. Route 712 right of way line, 55 feet; thence South 1 degree 15 minutes West, along said F.A.S. Route 712 right of way line, 98.3 feet, to a point 944.2 feet South 1 degree 15 minutes West and 125 feet North 88 degrees 45 minutes West of the Northeast corner of Section Twenty-one (21); thence North 88 degrees 45 minutes West 182.6 feet; thence South 1 degree 15 minutes West 371.1 feet; thence North 87 degrees 30 minutes East 258.1 feet, to the West right of way line of F.A.S. Route 712; thence South 1 degree 15 minutes West, along said F.A.S. Route 712 right of way line, 42 feet, more or less, to a point 40 feet South 87 degrees 32 minutes West of the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section Twenty-two (22); thence North 87 degrees 32 minutes East 80 feet, to the East right of way line of said F.A.S. Route 712;

thence North 87 degrees 32 minutes East 648 feet; thence North 1 degree 15 minutes East 379 feet, to the South right of way line of a frontage road along the South side of said F.A.I. Route 70; thence Westerly, along the South right of way line of said frontage road, being a curve to the right having a radius of 800.75 feet, an arc distance of 232 feet; thence North 87 degrees 37 minutes West, along the South right of way line of said frontage road, 382 feet; thence South 45 degrees 00 minutes West 35.3 feet, to the East right of way line of said F.A.S. Route 712; thence North 1 degree 15 minutes East, along the said F.A.S. Route 712 right of way line, a distance of 1560 feet, more or less, to a point 557.4 feet North 1 degree 15 minutes East and 60 feet South 88 degrees 45 minutes East of the Southwest corner of Section Fifteen (15); thence South 45 degrees 00 minutes East 35.3 feet, to the North right of way line of F.A.I. Route 70; thence South 88 degrees 45 minutes East, along the North right of way line of said F.A.I. Route 70, a distance of 225.0 feet; thence North 1 degree 15 minutes East 786.0 feet; thence South 88 degrees 08 minutes West 250.0 feet, to the East right of way line of F.A.S. Route 712; thence North 1 degree 15 minutes East, along the said F.A.S. Route 712 right of way line, 99 feet, more or less, to a line 1282 feet South of and parallel with the North line of the Southwest Quarter of Section Fifteen (15): thence Easterly 270 feet; thence Northerly 457 feet; thence Westerly 270 feet, to the East right of way line of said F.A.S. Route 712; thence Northerly, along the said F.A.S. Route 712 right of way line, 70 feet, more or less; thence Westerly, along the said F.A.S. Route 712 right of way line, 20 feet; thence Northerly, along the East right of way line of said F.A.S. Route 712, to the Southwest corner of Lot 29 of Parkview Estates; thence East 192 feet, to the Southeast corner of Lot 29 of Parkview Estates; thence North 317.4 feet, to the Northeast corner of Lot 29 of Parkview Estates; thence East 10.2 feet; thence North 24 degrees 00 minutes East 161 feet, more or less, to the Northwest corner of Lot 27 of Parkview Estates; thence Northeasterly, along the Southerly right of way line of U.S. Route 40, a distance of 1212.5 feet, to the East line of the West half of the Northwest Quarter of Section Fifteen (15); thence South, along the East line of the West half of the Northwest Quarter of Section Fifteen (15), a distance of 1337.1 feet, to the Northeast corner of Reiss-Evans Addition; thence West 1290.7 feet, to the Northwest corner of Reiss-Evans Addition; thence South, along the East right of way line of F.A.S. Route 712 (also known as South Main Street), a distance of 165 feet, to the Southwest corner of Reiss-Evans Addition, being on the South line of the Northwest Quarter of Section Fifteen (15); thence East to the Southeast corner of the East half of the Northwest Quarter of Section Fifteen (15); thence North 1 degree 03 minutes 50 seconds East, along the East line of the East half of the Northwest Quarter of Section Fifteen (15), a distance of 1039.50 feet; thence North 88 degrees 56 minutes 10 seconds West 24.00 feet; thence North 1 degree 03 minutes 50 seconds East 688.00 feet; thence South 68 degrees 35 minutes 40 seconds West 150.00 feet; thence North 1 degree 03 minutes 50 seconds East 250.00 feet, to the Southerly right of way line of U.S. Route 40; thence South 68 degrees 35 minutes 40 seconds West, along the Southerly right of way line of U.S. Route 40, a distance of 548.10 feet, to the Northeast corner of Park Addition to First Subdivision; thence Northwesterly to the intersection of the Northerly right of way line of U.S. Route 40 and the East line of South Ewing Street; thence North, along the East line of South Ewing Street and an extension thereof, to the North line of East Division Street; thence West, along the North line of East Division Street, 607 feet, more or less, to the East line of the West half of the Southwest Quarter of Section Ten (10); thence North to the Northeast corner of the West half of the Southwest Quarter of Section Ten (10); thence West to the quarter corner common to Sections Nine (9) and Ten (10); thence West, along the North line of Southeast Quarter of Section Nine (9), to the West right of way line of the Missouri Pacific Railroad (formerly the Chicago and Eastern Illinois Railroad Company); thence South, along the West line of said Missouri Pacific Railroad, 452 feet, more or less, to the North line of West Jackson Avenue; thence West, along the North line of West Jackson Avenue, 245.41 feet; thence North 442.5 feet, more or less, to the North line of the Southeast Quarter of Section Nine (9); thence West, along the North line of the Southeast Quarter of Section Nine (9), to the Point of Beginning, EXCEPTING THEREFROM, the following Two Tracts:

Tract 1. Beginning at the Northeast corner of the Southeast Quarter of Section Sixteen (16); thence South 8 and 5/8 rods; thence West 36 and 24/26 rods; thence North 8 and 5/8 rods; thence East 36 and 24/26 rods, to the place of beginning.

Tract 2. Commencing at the Northeast corner of the Southeast Quarter of Section Sixteen (16); thence South 0 degree 16 minutes West, along the East line of the Southeast Quarter of Section Sixteen (16), a distance of 810 feet, to the Point of Beginning; thence South 0 degree 16 minutes West 60 feet; thence South 87 degrees 39 minutes West, parallel with the North line of the Southeast Quarter of Section Sixteen (16), 605 feet; thence North 0 degree 16 minutes East 429 feet; thence North 87 degrees 39 minutes East 265 feet; thence South 0 degree 16 minutes West 225 feet, to a point in the center of an existing creek flowing Southeasterly, said point being 15 feet North 72 degrees 42 minutes East of an iron rod; thence Southeasterly, along the center of said creek, 149 feet, more or less, to a point 15.21 feet North 87 degrees 39 minutes East of another iron rod; thence North 87 degrees 39 minutes East 295.79 feet, to the Point of Beginning.

ALL SITUATED IN Township Seven North, Range Four East of the Third Principal Meridian, in the City of Altamont, County of Effingham and State of Illinois.

CHAPTER 14 – FLOOD PLAIN CODE

ARTICLE			*TITLE*	*PAGE*
I	*GENERALLY*			
	Section 14-1-1	-	*Purpose*	*14-1*
	Section 14-1-2	-	*Definitions*	*14-1*
	Section 14-1-3	-	*Base Flood Elevation*	*14-6*
	Section 14-1-4	-	*Duties of the Zoning Administrator*	*14-6*
	Section 14-1-5	-	*Development Permit*	*14-7*
	Section 14-1-6	-	*Preventing Increased Flood Heights and Resulting Damages*	*14-9*
	Section 14-1-7	-	*Protecting Buildings*	*14-10*
	Section 14-1-8	-	*Subdivision Requirements*	*14-13*
	Section 14-1-9	-	*Public Health and Other Standards*	*14-13*
	Section 14-1-10	-	*Carrying Capacity and Notification*	*14-15*
	Section 14-1-11	-	*Variances*	*14-15*
	Section 14-1-12	-	*Disclaimer of Liability*	*14-17*
	Section 14-1-13	-	*Penalty*	*14-17*
	Section 14-1-14	-	*Abrogation and Greater Restrictions*	*14-18*

CHAPTER 14

FLOOD PLAIN CODE

ARTICLE I – GENERALLY

14-1-1 PURPOSE. The purpose of this Code is to maintain the City's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Code is adopted in order to accomplish the following purposes:

(A) To meet the requirements of **615 ILCS 5/18(g)** Rivers, Lakes and Streams Act;

(B) To prevent unwise developments from increasing flood or drainage hazards to others;

(C) To protect new buildings and major improvements to buildings from flood damage;

(D) To protect human life and health from the hazards of flooding;

(E) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(F) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(G) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(H) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;

(I) To make federally subsidized flood insurance available by fulfilling the requirements of the National Flood Insurance Program; and

(J) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

14-1-2 DEFINITIONS. Unless specifically defined below, all words used in this Code shall have their common meanings. The word "shall" means the action is mandatory. For the purposes of this Code, the following definitions are adopted:

ACCESSORY STRUCTURE: A non-habitable building, used only for parking of vehicles or storage, that is on the same parcel of property as the principal building, and which is incidental to the use of the principal building.

AGRICULTURAL STRUCTURE: A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

BASE FLOOD: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is often referred to as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-3**.

BASE FLOOD ELEVATION (BFE): The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of the crest of the base flood.

BASEMENT: Any portion of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

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

CONDITIONAL LETTER OF MAP REVISION (CLOMR): A letter providing FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing Floodway, the effective BFEs, or the SFHA.

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.

DAM: All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Dams may also include weirs, restrictive culverts, or impoundment structures. Underground water storage tanks are not included.

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) Redevelopment of a site, clearing of land as an adjunct of construction;

(F) Construction or erection of levees, dams, walls, or fences;

(G) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(H) 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 resurfacing of pavement when there is no increase in elevation; construction of farm fencing; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

ELEVATION CERTIFICATE: A form published by FEMA that is used to certify the elevation to which a Building has been constructed.

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 and its regulations at 44 CFR 59-79, as amended.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source. Flood also includes the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM): A map prepared by the FEMA 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 shows BFEs.

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 City, the extraterritorial jurisdiction of the City, or that may be annexed into the City, that are subject to inundation by the base flood. The floodplains of the City are generally identified as such on panel numbers 17049C0142D, 17049C0150D, 17049C0161D, and 17049C0175D, of the countywide FIRM of **Effingham County** prepared by the FEMA and dated **January 17, 2025**. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated **Effingham County** that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the FIRM prepared for **Effingham County** by the FEMA and dated **January 17, 2025**.

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

FLOODPROOFING CERTIFICATE: A form published by the FEMA 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 flood plain required to store and convey the base flood. The floodway for the floodplain of **Big Creek** shall be as delineated on the countywide FIRM of **Effingham County** prepared by FEMA and dated **January 17, 2025**. The floodways for each of the remaining floodplains of the City shall be according to the best data available from Federal, State, or other sources.

FREEBOARD: An increment of elevation added to the BFE 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: IDNR/OWR 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 IDNR/OWR. (Ill. Admin. Code tit. 17, pt. 3700.30). The IDNR/OWR may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in **Section 14-1-6**.

LETTER OF MAP AMENDMENT (LOMA): Official determination by FEMA that a specific building, defined area of land, or a parcel of land, where there has not been any alteration of the topography since the date of the first NFIP map showing the property within the floodplain, was inadvertently included within the floodplain and that the building, defined area of land, or a parcel of land is removed from the floodplain.

LETTER OF MAP REVISION (LOMR): Letter that revises BFEs, floodplains or floodways as shown on an effective FIRM.

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**.

MANUFACTURED HOME: A building, 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 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.

NAVD 88: North American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

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, when measured at the largest horizontal projection;

(C) designed to be self-propelled or permanently towable by a light duty truck; and

(D) 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 (2)** 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"): The results of a man-made change to the land constructed on or below the ground, including a building, as defined in **Section 14-1-2**, any addition to a building; installing utilities, construction of roads or similar projects; construction or erection of levees, walls, fences, bridges or culverts.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a **ten (10) year** period 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 during a **ten (10) year** period 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.

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 this Code.

14-1-3 BASE FLOOD ELEVATION. This Code's protection standard is the base flood. The best available base flood data is listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the 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 BFE for the floodplains of **Big Creek** and **Coon Creek** shall be as delineated on the base flood profiles in the countywide Flood Insurance Study of **Effingham County** prepared by the FEMA and dated **January 17, 2025**.

(B) The BFE for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide FIRM of **Effingham County**.

(C) The BFE for each of the remaining floodplains delineated as an "A Zone" on the countywide FIRM of **Effingham County** shall be according to the best data available from federal, state, or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine BFEs.

(D) The BFE for the floodplains of those parts of unincorporated **Effingham County** that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, shall be as delineated on the base flood profiles of the Flood Insurance Study of **Effingham County** prepared by the FEMA and dated **January 17, 2025**.

14-1-4 DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Code. Specifically, the Zoning Administrator shall:

(A) Check all new development sites to determine if they are in the floodplain using the criteria listed in **Section 14-1-3, Base Flood Elevation** or for critical facilities, using the **0.2%** annual chance flood elevation, if defined.

(B) Process development permits and any permit extensions in accordance with **Section 14-1-5** and ensure all development activities happen in a timely manner.

(C) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6**.

(D) 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), elevation certificate, or floodproofing certificate.

(E) Review Elevation Certificates for accuracy and require incomplete or deficient certificates to be corrected.

(F) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8** and notify FEMA in writing whenever the corporate boundaries have been modified by annexation.

(G) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 14-1-9**.

(H) If a variance is requested, ensure that the requirements of **Section 14-1-11** are met and maintain documentation of any variances granted.

(I) 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;

(J) Ensure that applicants are aware of and obtain any and all other required local, state and federal permits; including permits pertaining to IDNR/OWR floodway and dam safety rules, Clean Water Act, Public Water Supply, Endangered Species Act, Illinois Endangered and Species Protection Act.

(K) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse.

(L) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(M) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code.

(N) Maintain for public inspection base flood data, floodplain maps, copies of State and Federal permits, and any other documentation of compliance for development activities subject to this Code.

(O) Notify FEMA and IDNR/OWR of any proposed amendments to this Code.

(P) Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain.

(Q) 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 BFE or result in a change to the floodplain map.

(R) Schedule an annual inspection of the floodplain and document the results of the inspection.

(S) Establish procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage:

(1) Determine the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building before the start of construction of the proposed work. In the case of repair, the market value of the building shall be the market value before the damage occurred and before any repairs are made.

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building.

(3) Determine and document whether the proposed work constitutes substantial improvement or substantial damage.

(4) Notify property owner of all determinations and responsibilities for permitting and mitigation.

14-1-5 DEVELOPMENT PERMIT.

(A) **Development Permits.**

(1) No person, firm, corporation, or governmental body, not exempted by law, shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator.

(2) No person, firm, corporation, or governmental body shall commence any development of a critical facility on land below the **0.2%** annual chance flood elevation without first obtaining a development permit from the Zoning Administrator.

(3) The Zoning Administrator shall only issue a permit for development activities, including new construction and substantial improvements, which meet the requirements of this Code.

(B) **Application Documents.** The application for development permit shall be accompanied by:

(1) A site plan or drawings, drawn to scale using NAVD 88, showing:

(a) property lines and dimensions;

(b) existing grade elevations;

(c) all changes in grade resulting from excavation or filling;

(d) description of the benchmark or source of survey elevation control;

(e) sewage disposal facilities;

(f) water supply facilities;

(g) floodplain limits based on elevation or depth, as applicable;

(h) floodway limits, as applicable;
(i) the location and dimensions of all buildings and additions to buildings;
(j) the location and dimensions of all structures, including but not limited to fences, culverts, decks, gazebos, agricultural structures, and accessory structures; and,
(k) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7**.

(2) Cost of project or improvements, including all materials and labor, as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(C) **Elevation Comparisons.** Upon receipt of an application for development permit, the Zoning Administrator shall compare the elevation of the site to the BFE.

(1) Any development located on land that is shown by survey elevation to be below the current BFE is subject to the provisions of this Code.
(2) Any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this Code.
(3) Any development located on land that can be shown by survey data to be higher than the current BFE and which has not been filled after the date of the site's first flood map showing the site in the floodplain, is not located in a mapped floodway, or located in a Zone A, is not in the floodplain and therefore not subject to the provisions of this Code. A LOMR-Floodway is required before developing land inadvertently included in a mapped floodway. Unless a LOMR is obtained, all Code provisions apply if the land is located in a Zone A.
(4) Any development located on land that is above the current BFE but will be graded to an elevation below the BFE, is subject to the provisions of this Code.
(5) The Zoning Administrator 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 FIRM identification.
(6) The Zoning Administrator shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Zoning Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.

(D) Upon receipt of an application for a critical facility, the Zoning Administrator shall compare the elevation of the site to the **0.2%** annual chance flood elevation, if available. Refer to **Section 14-1-9(A)(5)** for critical facility site requirements.

(E) A development permit or approval shall become invalid unless the actual state of construction, as defined, for work authorized by such permit, is commenced within **one hundred eighty (180) days** after its issuance, or if the work authorized is suspended or abandoned for a period of **one hundred eighty (180) days** after the work commences. All permitted work shall be completed within **twelve (12) months** after the date of issuance of the permit or the permit shall expire. Time extensions, of not more than **one hundred eighty (180) days** each, may be granted, in writing, by the Zoning Administrator. Time extensions shall be granted only if the original permit is compliant with this Code and the FIRM and FIS in effect at the time the extension is granted.

(F) **Certification and As-Built Documentation.** The applicant is required to submit certification by a licensed professional engineer or registered land surveyor that the

finished fill and building elevations were accomplished in compliance with **Section 14-1-7**. Floodproofing measures must be certified by a registered professional engineer or registered architect as being compliant with applicable floodproofing standards. Accessory structures designed in accordance with **Section 14-1-7** are exempt from certification, provided sufficient compliance with the development permit are documented. FEMA Elevation Certificate and Floodproofing Certificate forms are required as documentation of compliance.

An as-built grading plan, prepared by a registered professional engineer is required to certify that any development in floodplain, such as grading or the construction of bridges or culverts, are in substantial conformance with the development permit. No building, land or structure may be occupied or used in any manner until a letter or certificate has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Code.

The Zoning Administrator must maintain records in perpetuity documenting compliance with this Code, including the elevation to which structures and alterations to structures are constructed or floodproofed.

(G) **Application Fees and Engineering Review Fee.** Additional fees may be charged if the Zoning Administrator requires the assistance of a professional engineer or other expert. The applicant will be contacted in writing before any outside review begins with the estimated engineering or expert review fee. The applicant must consent in writing before the outside review begins. The engineering review fee shall be paid in full by the applicant within **thirty (30) days** after the applicant receives the bill.

14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within all floodway identified on the countywide FIRM, 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 IDNR/OWR Statewide Permit No. 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, signposts, 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 following conditions of IDNR/OWR Statewide Permit No. 12.

(12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit No. 13.

(13) Any development determined by IDNR/OWR to be located entirely in a flood fringe area shall be exempt from state floodway permit requirements.

(B) Other development activities not listed in (A) may be permitted only if:

(1) A permit has been issued for the work in an IDNR/OWR jurisdictional streams 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 BFE.

14-1-7 PROTECTING BUILDINGS.

(A) **Requirements.** In addition to the state permit and damage prevention requirements of **Section 14-1-6**, all buildings located in the floodplain shall be protected from flood damage below the FPE. 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.

(2) Value of improvements equals or exceeds the market value by **fifty percent (50%)**. Improvements shall be figured cumulatively during a **ten (10) year** period. 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. If substantial 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.

(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 with the lowest floor including basement at or above the FPE in accordance with the following conditions:

(a) The lowest floor (including basement) shall be at or above the FPE.

(b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **twenty (20) feet** beyond the foundation before sloping below the FPE in lieu of a geotechnical report.

(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 material.

(e) The fill 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) All components located below the FPE shall be constructed of materials resistant to flood damage.

(c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at or above the FPE.

(d) If walls are used, all enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. At least **two (2)** walls must have as minimum of **one (1)** permanent opening that is below the BFE and no more than **one (1) foot** above finished grade. 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 BFE, or the design must be certified by a Registered P.E., as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.

(e) 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) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the FPE provided they are waterproof.

(ii) The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space.

(iii) 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 FPE provided that the following conditions and requirements of FEMA TB 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, which ever are more restrictive, 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) All enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of **one (1)** permanent opening shall be provided on at least **two (2)** walls that are below the BFE and no more than **one (1) foot** above finished grade. 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 BFE, or the design must be certified by a Registered

P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.

(c) 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.

(d) 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.

(e) Portions of the building below the FPE must be constructed with materials resistant to flood damage, and

(f) Utility systems within the crawlspace must be elevated above the FPE.

(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 FPE 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 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 and travel trailers** to be permanently installed on site shall be:

(1) Elevated to or above the FPE 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 having a total area not exceeding **four hundred (400) square feet** when measured at the largest horizontal projection.

(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 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 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) **Detached accessory structures** may be permitted provided the following conditions are met:

(1) The structure must be non-habitable.
(2) The structure must be used only for parking and storage and cannot be modified later into another use.
(3) The structure must be located outside of the floodway or have the appropriate state and/or federal permits.
(4) The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials in accordance with **Section 14-1-7**.
(5) All utilities, mechanical, and electrical must be elevated above the FPE.
(6) The structure must have at least **one (1)** permanent opening on at least **two (2)** walls not more than **one (1) foot** above grade with **one (1) square inch** of opening for every **one (1) square foot** of floor area.
(7) The structure must be no more than **one (1)** story in height and no more than **six hundred (600) square feet** in size.
(8) The structure shall be anchored to resist flotation, collapse, lateral movement and overturning.
(9) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE.
(10) The lowest floor elevation should be documented, and the owner advised of the flood insurance implications.

14-1-8 SUBDIVISION REQUIREMENTS. The City 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**.

(B) 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 should be included within parks, open space parcels, or other public grounds.

(C) Any proposal for such development shall include the following data:

(1) The BFE and the boundary of the floodplain, where the BFE is not available from an existing study, the applicant shall be responsible for calculating the BFE.
(2) The boundary of the floodway, when applicable.
(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 **(See 765 ILCS 205/2).**

14-1-9 PUBLIC HEAHT 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 FPE unless such materials are stored in a floodproofed and anchored

storage tank or certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 14-1-7**.

(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 sanitary sewer lines and on-site 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 FPE shall be watertight.

(5) Critical facilities, which are buildings, constructed or substantially improved within the floodplain or the **0.2%** annual chance flood elevation when defined, shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the **0.2%** annual chance flood elevation or **three (3) feet** above the BFE, whichever is greater. Adequate parking shall be provided for staffing of the critical facilities at or above the BFE or **0.2%** chance flood, when defined. Access routes to all critical facilities should be reviewed and considered when permitting. Access routes should be elevated to or above the level of the BFE.

Floodproofing and sealing measures may also be used to provide protection as described in **Section 14-1-7** and must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Critical facilities include emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes, and senior care facilities.

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

(C) Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.

(D) **Letters of Map Revision.** The Zoning Administrator shall require a CLOMR prior to issuance of a development permit for:

(1) Proposed floodway encroachments that will cause an increase in the BFE; and,

(2) Proposed development which will increase the BFE by more than **0.1 feet** in riverine area where FEMA has provided a BFE but no floodway.

Once a CLOMR has been issued, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits. Review **Section 14-1-9(E)** for the construction of buildings in any floodplain issued a LOMR Based on Fill.

(E) When construction of a building following a LOMR Based on Fill is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may not apply for a permit from the City to construct the lowest floor of a building below the BFE in the floodplain.

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 City 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.

(A) No variances shall be granted within a floodway if any increases in the based flood elevation would result.

(B) 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 City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the purposes and objectives of this Code. The City Council shall base the determination on:

(1) Technical justifications submitted by the applicant.

(2) The staff report, comments, and recommendations submitted by the Zoning Administrator.

(3) The limitations, considerations, and conditions set forth in this Section.

(C) The findings of fact and conclusions of law made by the Zoning Board of Appeals according to **Section 14-1-11(A)**, the notifications required by **Section 14-1-11(B)**, and a record of hearings and evidence considered as justification for the issuance of all variances from this Code shall be maintained by the City in perpetuity.

(D) No variance shall be granted unless the applicant demonstrates, and the Zoning Board of Appeals finds that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain.

(2) A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

(3) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(4) There will be no additional threat to public health, public safety, destruction of beneficial stream uses and functions including, aquatic habitat, causation of fraud on or victimization of the public, conflict with existing local laws or ordinances, or creation of a nuisance.

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, lost environmental stream uses and functions, repairs to streambeds and banks, or repairs to roads, utilities, or other public facilities.

(6) The circumstances of the property are unique and do not establish a pattern inconsistent with the intent of the NFIP.

(7) Good and sufficient cause has been shown that the unique characteristics of the size, configuration, or topography of the site renders the requirements of this Code inappropriate.

(8) All other state and federal permits have been obtained.

(E) The Zoning Administrator shall notify an applicant in writing that a variance from the requirements of the building protection 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 risk to life and property.

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledges in writing the assumption of the risk and liability.

(F) **Considerations for Review.** In reviewing applications for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
(2) The danger to life and property due to flooding or erosion damage.
(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
(4) The importance of the services provided by the proposed development to the community.
(5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion.
(6) The compatibility of the proposed development with existing and anticipated development.
(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

(G) **Historic Structures.** Variances issued for the reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of **Sections 14-1-6** and **14-1-7** subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
(2) The repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

(H) **Agriculture Structures.** Variances issued for the construction or substantial improvement of agricultural structures which do not meet the non-residential building requirements of **Sections 14-1-7(B)** and **(C)**, provided the requirements of **Section 14-1-11(A)** through **14-1-11(G)** and the following are satisfied:

(1) A determination that the proposed agricultural structure:
   (a) is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
   (b) has low damage potential (amount of physical damage, contents damage, and loss of functions).
   (c) does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including, but not limited to, the effects of flooding on liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
   (d) Complies with the wet floodproofing construction requirements of **Section 14-1-11(H)(2)**.
(2) **Wet Floodproofing Construction Requirements.** Wet floodproofed structures shall:

(a) The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials in accordance with **Section 14-1-7**.

(b) 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 effective of buoyancy.

(c) All enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of **one (1)** permanent opening shall be provided on at least **two (2)** walls that are below the BFE and no more than **one (1) foot** above finished grade. 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 BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.

(d) Any mechanical, electrical, or other utility equipment must be located above the BFE 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 1-1-7** .

(e) If located in a floodway, must be issued a state floodway permit, and comply with **Section 14-1-6**.

(f) The building may not be used for manure storage or livestock confinement operations.

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

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

(A) If such owner fails after **ten (10) days** from the date the written notice is issued, to correct the violation:

(1) The City shall make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.

(2) Any person who violates this Code shall, upon conviction thereof, be fined not less than **Fifty Dollars ($50.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The City shall record a notice of violation on the title of the property.

(B) The Zoning Administrator 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 Zoning Administrator 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 the grounds for the complaint, reasons for suspension or revocation, and 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 City 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 City to fulfill the requirements of the NFIP including: The City Ordinance No. 284 dated July 23, 1996. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 802-24; 10-14-24)

CHAPTER 15 – FRANCHISES

ARTICLE			*TITLE*	*PAGE*
I	*GAS FRANCHISE*			
	Section 15-1-1	-	*Liberty Utilities (Midstates Natural Gas)*	*15-1*
	Exhibit "A"	-	*Gas Franchise*	*15-2*

CHAPTER 15

FRANCHISES

ARTICLE I – GAS FRANCHISE

15-1-1 LIBERTY UTILITIES (MIDSTATES NATURAL GAS). The gas franchise agreement between the City of Altamont, Illinois and Liberty Utilities (Midstates Natural Gas) is hereby included by reference in Appendix "A". **(Ord. No. 628-17; 12-26-17)**

EXHIBIT "A"

GAS FRANCHISE

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF ALTAMONT, COUNTY OF EFFINGHAM, ILLINOIS, TO LIBERTY UTILITIES (MIDSTATES NATURAL GAS) CORP. DBA LIBERTY UTILITIES, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE GAS TO THE CITY AND TO ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL, AND DISTRIBUTE GAS TO THE CITY AND TO ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE CITY AND IN THE TERRITORY ADJACENT THERETO AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AS MAY BE NECESSARY, AND FIXING THE TERMS AND CONDITIONS THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALTAMONT, EFFINGHAM COUNTY, ILLINOIS, AS FOLLOWS:

ARTICLE I – DEFINITIONS

As used in this Code, the following words and phrases shall have the following meanings:

(A) **"Commission"** refers to and is the Illinois Commerce Commission (ICC), the state utility regulatory commission having jurisdiction over the rates, services and operations of Grantee within the State of Illinois or other administrative or regulatory authority succeeding to the regulatory powers of the Commission.

(B) **"City"** refers to and is the City of Altamont, Effingham County, Illinois, and includes such territory as currently is or may in the future be included within the corporate boundaries of the City of Altamont.

(C) **"Council"** is the City Council of the City of Altamont, Illinois.

(D) **"Franchise"** shall mean the rights and privileges granted by the Grantor to Grantee under the terms and provisions of this Code.

(E) **"Grantee"** shall mean Liberty Utilities (Midstates Natural Gas) Corp. dba Liberty Utilities.

(F) **"Grantor"** shall mean the City of Altamont, Illinois.

(G) **"Mayor"** refers to City Mayor.

(H) **"Public Right-of-Way"** shall mean the surface, the airspace above the surface, and area below the surface of any street, highway, alley, avenue, boulevard, sidewalk, pedestrian/bicycle lane or trail, driveway, bridge, utility easement or any other public ways owned, dedicated by plat, occupied or used by the public and within Grantor's geographical limits or boundaries established by applicable law.

(I) **"System"** shall mean the system of works, pipes, pipelines, facilities, fixtures, apparatus, lines, machinery, equipment, structures, appliances, appurtenances or other infrastructure reasonably necessary for the storage, transportation, distribution or sale of natural, artificial or mixed gas to residential and commercial customers and the public generally, within the geographical limits or boundaries of the Grantor.

ARTICLE II – GRANT OF FRANCHISE

(A) There is hereby created and granted unto Grantee a non-exclusive franchise to enter upon, acquire, construct, operate, maintain, and repair in the Public Right-of-Way the System, subject to the provisions of this Code. The franchise granted hereunder shall be extended to territories that are annexed by Grantor upon the same terms and conditions herein, subject to the approval of the Commission, if any such approval is required.

(B) The franchise granted to Grantee by the Grantor shall not be exclusive and the Grantor reserves the right to grant a similar franchise to any other person or entity at any time. In the event the Grantor shall grant to another person or entity during the Term hereof a franchise for a gas distribution system within the geographical boundaries or limits of Grantor similar to the one herein granted to Grantee, it is agreed that the terms of any such franchise agreement shall be no more favorable to such new additional grantee than those terms contained herein. Additionally, it is agreed that any such new/additional grantee shall have no right to use any portion of the System without Grantee's written consent.

(C) As consideration for the franchise granted to Grantee by Grantor pursuant to the terms and conditions of this Code, Grantee shall provide Grantor 10,000 CCF of natural gas free of charge per calendar year during the Term of this Code. Grantee shall charge Grantor, at Grantee's standard rates, for natural gas used over 10,000 CCF during each calendar year. Grantee will review Grantor's account each January and charge Grantor for natural gas used in excess of 10,000 CCF during the previous **twelve (12) months** by using the average PGA for the previous year. Any and all facility charge and any other volumetric charges, which would normally be assessed by Grantee, are waived by Grantee during the Term of this Code.

ARTICLE III – TERM, EFFECTIVE DATE, AND ACCEPTANCE OF FRANCHISE

(A) **Term of Franchise.** All rights, privileges and authority granted by this Code, shall, upon its acceptance by Company in the manner hereinafter provided, be and remain in full force and effect for and during the term of **twenty (20) years** beginning on **January 1, 2018**, and expiring on **December 31, 2038** (hereinafter referred to as the "Term").

(B) The franchise created hereby shall become effective upon the final passage and approval of this Code by the Council of the City of Altamont, Illinois, in accordance with applicable laws and regulations, and upon acceptance by the Grantee by written instrument within **sixty (60) days** of passage by the governing body and filed with the Clerk of the Grantor. Upon acceptance by Grantee, this Code shall constitute a contract between the parties thereto and shall, subject to the rights and powers vested in the Commission or such other regulatory body of the State of Illinois as may hereafter succeed to the rights and powers of the Commission or as may exercise statutory jurisdiction of gas companies furnishing gas service in the State of Illinois, be the measure of the rights, powers, obligations, privileges and liabilities of said Grantor and Grantee. If the Grantee does not, within **sixty (60) days** following passage of this Code, express in writing its objections to any terms or provisions contained therein, or reject this Code in its entirety, the Grantee shall be deemed to have accepted this Code and all of its terms and conditions.

(C) The terms and conditions of any previous franchise ordinance that the Grantee has operated under is superseded by the terms and conditions hereof.

ARTICLE IV – GRANTEE'S RIGHTS INAND TO PUBLIC RIGHT-OF-WAY

The Grantee shall have the non-exclusive right and privilege of constructing, erecting, laying, operating, maintaining, replacing, removing and/or repairing a gas distribution system through, along, across and under the public right-of-way within the geographical boundaries or limits of the Grantor as it now exists or may hereafter be constructed or extended, subject to the inherent police powers conferred upon or reserved unto the Grantor and the provisions of this Agreement.

ARTICLE V – OPERATION OF SYSTEM; EXCAVATION OF PUBLIC RIGHT-OF-WAY

(A) The System shall at all times be installed, operated and maintained in good working condition as will enable the Grantee to furnish adequate and continuous service to all of its residential, commercial and industrial customers. The System shall be designed,

installed, constructed and replaced in locations and at depths which comply with all applicable federal and state laws and regulations regarding minimum safety standards for design, construction, maintenance and operation of gas distribution systems. Notwithstanding anything contained in this Code to the contrary, the System and all other equipment placed or installed under this Code shall be located within the right-of-way, at the sole discretion of the Grantor, in accordance with the Grantor's management of City's right-of-way.

(B) Grantee shall have the right to disturb, break, and excavate in the Public Right-of-Way as may be reasonable and necessary to provide the service authorized hereby.

(C) Grantee will repair any damage caused by Grantee to any part of the Public Right-of-Way, or any other pipes, conduits, sewers, drains, or other public improvement, and will restore, as nearly as practicable, such property to substantially its condition immediately prior to such damage.

(D) Grantee shall use reasonable care in conducting its work and activities in order to prevent injury to any person and unnecessary damage to any real or personal property.

(E) Grantee shall install all pipelines underground at such depth and in such manner so as not to interfere with the existing pavement, curbs, gutters, underground wires or cables, conduit, drains, storm sewers, storm drains, sanitary sewers, sanitary sewer force mains or water mains owned or controlled by the Grantor.

ARTICLE VI – DEGRADATION/RESTORATION OF PUBLIC RIGHT-OF-WAY

(A) In the event that Grantor or any other entity acting on behalf of Grantor requests or demands that Grantee remove, move, modify, relocate, reconstruct or adjust any part of the System from their then-current locations within the streets, alleys, and public places of Grantor in connection with any public project or improvement, then Grantee shall relocate, at its expense, the System facilities affected by such project or improvement. Grantee's obligations under this paragraph shall apply without regard to whether Grantee has acquired, or claims to have acquired, an easement or other property right with respect to such System facilities and shall not affect the amounts paid or to be paid to Grantee under the provisions of this Code. Notwithstanding the foregoing provisions of this paragraph, Grantee shall not be obligated to relocate, at its expense, any of the following: (1) System facilities that are located on private property at the time relocation is requested or demanded; or (2) projects undertaken solely for aesthetic purposes.

(B) Grantor and Grantee recognize that both parties benefit from economic development within the boundaries of Grantor. Accordingly, when it is necessary to relocate any of Grantee's facilities within the boundaries of Grantor, Grantor and Grantee shall work cooperatively to minimize costs, delays, and inconvenience to both parties while ensuring compliance with applicable laws and regulations. In addition, Grantor and Grantee shall communicate in a timely fashion to coordinate projects included in Grantor's five-year capital improvement plan, Grantor's short-term work program, or Grantor's annual budget in an effort to minimize relocation of Grantee's facilities. Such communication may include, but is not limited to, (1) both parties' participation in a local utility's coordinating council (or any successor organization); and, (2) both parties' use of the National Joint Utility Notification System (or any alternative comparable systems or successor to such system mutually acceptable to both parties).

ARTICLE VII – BREACH OF FRANCHISE; REMEDIES

In the event of a breach by Grantee of any material provision hereof, the Grantor may terminate this Code, and the rights granted to Grantee hereunder, provided, however, that such termination shall not be effective unless and until the procedures described below have been followed:

(A) Grantor must deliver to Grantee, by certified or registered mail, a written notice signed by the Mayor or other duly authorized member of Grantor's governing body. Such notice must (1) set forth in detail each of the alleged acts or omissions of Grantee that the

Grantor contents constitutes a substantial breach of any material provision hereof; (2) designate which of the terms and conditions hereof the Grantor contends Grantee breached; and, (3) specify the date, time, and place at which a public hearing will be held by the governing body of the Grantor for the purpose of determining whether the allegations contained in the notice did in fact occur, provided, however, that the date of such hearing may not be less than **thirty (30) days** after the date of such notice.

(B) Within **thirty (30) days** following the adjournment of the public hearing described in Subsection (A) above, the Grantor must delivery to Grantee, by certified or registered mail, a written notice signed by the Mayor or other duly authorized member of Grantor's governing body, setting forth (1) the acts and omissions of Grantee described in the first notice that the governing body of the Grantor determines to have in fact occurred; and, (2) the specific terms and conditions hereof listed in the first notice that the governing body of the Grantor determines to have in fact been breached by such acts or omissions of Grantee.

(C) The Grantor must permit Grantee the opportunity to substantially correct all of the breaches hereof set forth in the written notice described in Subsection (B) above within **sixty (60) days** after Grantee's receipt of such notice.

ARTICLE VIII – FORCE MAJEURE

Notwithstanding anything expressly or impliedly to the contrary contained herein, in the event Grantee is prevented, wholly or partially, from complying with any obligation or undertaking contained herein by reason of any event of force majeure, then, while so prevented, compliance with such obligations or undertakings shall be suspended, and the time during which Grantee is so prevented shall not be counted against it for any reason. The term "force majeure", as used herein, shall mean any cause not reasonably within Grantee's control and includes, but is not limited to, acts of God, strikes, lockouts, wars, terrorism, riots, orders or decrees of any lawfully constituted federal, state or local body, contagions or contaminations hazardous to human life or health, fires, storms, floods, wash-outs, explosions, breakages or accidents to machinery or lines of pipe, inability to obtain or the delay in obtaining rights-of-way, materials, supplies, or labor permits, temporary failures of gas supply, or necessary repair, maintenance, or replacement of facilities used in the performance of the obligations contained in this Code.

ARTICLE IX – ADDITIONAL REQUIREMENTS; MISCELLANEOUS PROVISIONS

(A) Grantee shall at all times indemnify and hold harmless the Grantor, and all contractors, officers, employees and representatives thereof, from and against any and all claims, demands, causes of action, liability, judgments, costs, attorney fees, and expenses and losses for injury to any person or property, and Workers' Compensation claims against any parties indemnified herein, arising out of, caused by, as a result of, or by reason of Grantee's or its contractors, officers, employees, or representatives construction, erection, installation, maintenance, operator, use or presence of, or removal of the System, or any part thereof, provided, however, that none of the provisions of this paragraph shall be applicable to the extent the Grantor, its officials, officers, employees, contractors, or agents, were negligent and such negligence was the sole or contributing factor in bringing about injury to any person or property. In such event, any liability shall be apportioned between the Grantor and the Grantee based upon the percentage of fault assigned to each by a court of competent jurisdiction.

(B) **Insurance.** Grantee shall be obligated under this Code to maintain through the Term of this Code, at its sole cost and expense, to maintain the following insurance coverages which shall name Grantor as an additional insured, on a primary, non-contributory basis:

(1) **Comprehensive General Liability.** Comprehensive General Liability insurance, including contractual liability with limits of **Two Million Dollars ($2,000,000.00)** per occurrence for bodily injury and

property damage. Railroad exclusions must be deleted if any work is to be performed within **fifty (50) feet** of an active railroad track.

(2) **Comprehensive Automobile Liability.** Commercial Auto Liability insurance with a limit of liability for bodily injury and property damage of not less than **Two Million Dollars ($2,000,000.00)**. Such policy shall include owned and blanket non-owned and hired coverage.

(3) **Workers' Compensation.** Workers' compensation coverage in accordance with statutory limits.

(4) **General Standards for All Insurance.** All commercial insurance policies obtained by the Grantee to satisfy this obligation must be written by companies customarily used by public utilities for those purposes, including policies issued by a captive insurance company affiliated with the Grantee. Upon written request, the Grantee shall provide Grantor with evidence of insurance. The above requirements may be satisfied with primary insurance, excess insurance or a combination of both.

(C) Grantee shall remove all or any part of its System upon the expiration or termination of this Code and rights granted hereby.

(D) Grantee may transfer or assign the franchise created by this Code to any other person, proprietorship, partnership, firm or corporation with written notification to the Grantor.

(E) If any section, subsection or provision of this Code or any part thereof is for any reason found or held to be in conflict with any applicable statute or rule of law, or is otherwise held to be unenforceable, the invalidity of any such section, subsection or provision shall not affect any or all other remaining sections and provisions of this Code, which shall remain in full force and effect.

(F) This Code shall extend to, be binding upon, and inure to the benefit of, the parties hereto, and their respective successors and assigns.

(G) To the extent that any other ordinances of the Grantor or portions thereof are in conflict or inconsistent with any of the terms or provisions hereof, then the terms of this Code shall control.

(Ord. No. 628-17; 12-26-17)

CHAPTER 18 – HEALTH REGULATIONS

ARTICLE		TITLE	PAGE
I		BOARD OF HEALTH	
	Section 18-1-1	- Board of Health Created – Membership – Officers	18-1
	Section 18-1-2	- Meetings - Quorum	18-1
	Section 18-1-3	- Rules and Regulations	18-1
	Section 18-1-4	- Powers of Board	18-1
	Section 18-1-5	- Jurisdiction	18-1
	Section 18-1-6	- Orders – Violation - Penalty	18-1
	Section 18-1-7	- Claims	18-1
	Section 18-1-8	- Reports and Recommendations	18-1
II		TRASH COLLECTION	
	Section 18-2-1	- Under Supervision of Commissioner of Public Health and Safety	18-2
	Section 18-2-2	- Definitions	18-2
	Section 18-2-3	- Refuse in Streets and Alleys	18-2
	Section 18-2-4	- Garbage, House Treatment and Disposition	18-2
	Section 18-2-5	- Location of Receptacles	18-2
	Section 18-2-6	- Garbage Trucks to be Covered	18-2
	Section 18-2-7	- Levy of Tax	18-3
	Section 18-2-8	- Service Charge for Collection of Garbage	18-3
	Section 18-2-9	- Collection	18-3
	Section 18-2-10	- Failure to Pay – Penalty	18-3
III		PAYMENT REGULATIONS	
		Division I – Generally	
	Section 18-3-1	- Payment for Garbage Collection Services	18-4
	Section 18-3-2	- Discontinuance of Garbage Collection Service	18-4
	Section 18-3-3	- Reconnection Fee	18-4
	Section 18-3-4	- No New Service to Persons Owing Charges in Arrears	18-5
	Section 18-3-5	- Payment of Prior Balances	18-5
	Section 18-3-6	- Deferred Payment Agreement	18-5
	Section 18-3-7	- Reserved	
		Division II – Clean Up Days	
	Section 18-3-8	- Service Charge for Annual Clean Up Days	18-5
	Section 18-3-9	- Collection	18-5
	Section 18-3-10	- Failure to Pay; Penalty	18-5

CHAPTER 18

HEALTH REGULATIONS

ARTICLE I – BOARD OF HEALTH

18-1-1 BOARD OF HEALTH CREATED - MEMBERSHIP - OFFICERS. There is hereby created a Board of Health, which shall be composed of the Commissioner of Public Health and Safety, who shall be Chairman of said Board, the Commissioner of Health and the Mayor.

18-1-2 MEETINGS - QUORUM. The Board of Health shall hold meetings whenever required by the Commissioner of Public Health and Safety. The Chairman of such Board shall notify each member of the Board of such meetings. A majority of the Board shall constitute a quorum for the transaction of business.

18-1-3 RULES AND REGULATIONS. The Board of Health may make such rules and regulations, not in conflict with the laws of the state or the City Code, as they may deem necessary for keeping the City in the best possible sanitary conditions; and for the execution of the powers and duties conferred upon the Board by this Code or by laws of the State.

18-1-4 POWERS OF BOARD. The Board shall exercise a general supervision over the health of the City, with full power to take steps and use all measures necessary to promote the cleanliness thereof; to abate nuisances of every description on public and private property.

18-1-5 JURISDICTION. The jurisdiction of the Board of Health shall extend over the territory within the City limits, and all ordinances of the City and rules and regulations of the Board of Health relating to the public health and abatement of nuisances, shall apply to and be in force over the territory within the City limits and the extraterritorial area specified in the Illinois Municipal Code.

18-1-6 ORDERS - VIOLATION - PENALTY. All orders and sanitary regulations of the Board of Health shall be obeyed by all persons in the City, and whoever shall refuse or neglect to obey any such order or regulation shall be subject to a fine as provided in **Section 1-1-20** or **1-1-21** of the City Code.

18-1-7 CLAIMS. Bills for expenses incurred by the Board of Health shall be presented to the Commissioner of Public Health and Safety, who shall present them to the Council for payment. The City Treasurer shall cause to be kept a record of all the disbursements made for the Health Department.

18-1-8 REPORTS AND RECOMMENDATIONS. The Board shall from time to time recommend to the Council such measures as it may deem necessary to promote and secure the health of the City.

ARTICLE II - TRASH COLLECTION

18-2-1 UNDER SUPERVISION OF COMMISSIONER OF PUBLIC HEALTH AND SAFETY. All matters relating to or affecting the collection, removal or disposal of garbage and rubbish shall be subject to the supervision and direction of the Commissioner of Public Property.

18-2-2 DEFINITIONS. For the purpose of classification and identification of the various types of refuse included in the subsequent sections of this Chapter, the word "garbage" as used herein, shall be construed to include rejected or waste household food, offal and swill composed of vegetable and animal substances. It shall be taken to mean and include all table and kitchen refuse of every kind and description; also decaying vegetables and meats, or anything whatsoever that will, or may decompose and become offensive or dangerous to health.

The term "rubbish" as used herein, shall be construed to mean only tin cans, bottles, glass, crockery, tile and worn out and discarded metals.

18-2-3 REFUSE IN STREETS AND ALLEYS. It shall be unlawful for any person, firm or corporation to deposit, drop or place, where it may be carried in any manner whatsoever, in or upon any sidewalk, street, alley or public place, or in any waterway, gutter, manhole, catch basin or sewer within the City, garbage, rubbish, refuse, trade or commercial waste or any thing or substance whatsoever, which is offensive and detrimental to sanitation and the public health and safety; provided, that this Section shall not apply to the deposit of material under a permit authorized by ordinance of the City; nor to goods, wares or merchandise deposited upon any street, sidewalk, alley or public place temporarily in the necessary course of trade, and removed therefrom within **five (5) hours** after being so deposited; nor to the proper use of sewers and drain for the reception of all matter authorized to be deposited therein, or conducted by the sewerage systems of the City in accordance with the ordinances of the City relating thereto; and provided, further, that clean coal ashes, cinders or sand, free from glass, nails or other detrimental substances may be spread on icy sidewalks or deposited on unpaved streets or alleys, subject to such rules and regulations as the Commissioner of Streets and Public Improvements may from time to time prescribe in relation thereto.

18-2-4 GARBAGE, HOUSE TREATMENT AND DISPOSITION. It shall be the duty of every occupant, tenant or person in possession to cause to be deposited in said garbage containers all garbage produced in or brought into said house, building, flat, apartment or dwelling place as soon as the same is produced or brought therein; provided, this Section shall not apply to apartment or buildings which are now or hereafter may be provided with their own garbage disposal systems.

18-2-5 LOCATION OF RECEPTACLES. The owner, agent, or occupant of every dwelling, flat, residence or apartment, excepting therefrom all premises serviced by private haulers, shall place or cause to be placed containers as hereinbefore specified for the purpose of having their contents removed at the rear end line of the lot where said lot is served by a public alley in condition for vehicular traffic. Provided however, that where no such alley is available, such owner, agent or occupant shall place such container at a point adjacent at the rear of the building or improvement upon said premises for the purpose of having its or their contents removed, or at an accessible location in plain view of the street where it is practical so to do.

18-2-6 GARBAGE TRUCKS TO BE COVERED. All trucks engaged in the business of or used for the collection of garbage, and rubbish as defined in this Article, shall have water-

tight bodies and shall be provided with an adequate type of cover, fully enclosing all of the materials while in the process of being transported to the place of their disposal.

18-2-7 LEVY OF TAX. For the purpose of collecting the garbage in the City and the disposing of the same, the Council shall have the power to levy a direct annual tax each year not to exceed **twenty percent (20%)** of the full, fair cash value, as equalized or assessed by the Department of Revenue of the State of Illinois, on all taxable property in the said City.

18-2-8 SERVICE CHARGE FOR COLLECTION OF GARBAGE. There is hereby established a minimum service charge for collecting garbage in the City, which minimum service charge shall be **Fourteen Dollars Twenty-Five Cents ($14.25)** per month for each household and apartment of the City being served by the City's garbage collection system.

The monthly service charge for collecting garbage in the City shall be paid by each household and apartment being served by the City's garbage collection system. The service charge for collecting garbage in the City shall be due and payable on the **first (1st) day** of each and every month, provided, however, the patron shall have until the **seventeenth (17th) day** of each month to pay said service charge. **(See 65 ILCS Sec. 5/11-9-4) (Ord. No. 491-11; 08-22-11)**

18-2-9 COLLECTION. The City Clerk is hereby authorized and directed to collect the said monthly service charge for garbage collection in the City, and the City Clerk may add such service charge to the monthly City utility bill of the City utility patrons being served by said City garbage collection system. **(Ord. No. 797-24)**

18-2-10 FAILURE TO PAY - PENALTY. If the service charge for collection of garbage is not paid by any patron being served by the City's garbage collection system by the **seventeenth (17th) day** of the month as provided in **Section 18-2-8**, such charge shall remain as being payable to the City and if not satisfied by payment may be recorded as a lien against the real estate of the occupant household/apartment. **(Ord. No. 797-24) (See 65 ILCS 5/11-19-1)**

ARTICLE III – PAYMENT REGULATIONS

DIVISION I - GENERALLY

18-3-1 PAYMENT FOR GARBAGE COLLECTION SERVICES.

(A) The City Clerk shall prepare and mail (by regular U.S. mail) all garbage collection service bills to the customer's address not later than the **sixth (6th) day** of each month.

(B) All garbage collection service bills shall be due and payable by the customer not later than the **seventeenth (17th) day** of each month.

(C) If a garbage collection service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the garbage collection service bill is considered past due and a **ten percent (10%)** late fee shall be assessed to such customer.

(D) If a garbage collection service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the City Clerk shall mail (by regular U.S. Mail) a Final Delinquency Notice Prior to Disconnection. If a garbage collection service bill is not paid by the customer by **10:00 A.M.** on the specified disconnection date as listed in the Final Delinquency Notice Prior to Disconnection, then:

(E) The City Clerk shall immediately issue a Disconnect Service Order to the City Garbage Collection Service Provider, and the Garbage Collection Service Provider shall immediately cause the discontinue such customer's garbage collection service. **(Ord. No. 394-04; 11-08-04)**

(F) The City has the power to sue the customer in a civil action to recover the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney's fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**

(G) The term "customer" shall mean any person, corporation or entity that applies for water, sewer, electric, garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

18-3-2 DISCONTINUANCE OF GARBAGE COLLECTION SERVICE.

(A) The City may discontinue garbage collection service when any customer fails to do any of the following:

(1) make a deposit or increase a deposit pursuant to **Section 38-2-6** herein;

(2) pay a past due bill owed to the City for garbage collection service furnished at the same location or at another location. For purposes of this paragraph, the City may discontinue garbage collection service if the current customer is liable for a past due bill for garbage collection services pursuant to Section 15 of the Rights of Married Persons Act **(750 ILCS 6-5/15)**; unless the customer, at the option of the City, pays any past due bill and/or provides a deposit pursuant to **Section 38-2-6** and/or enters into a deferred payment agreement pursuant to **Section 18-2-6**.

(3) make a payment in accordance with the terms of a deferred payment agreement;

(4) comply with the rules and regulations of the City Garbage Collection Service Provider.

18-3-3 RECONNECTION FEE. When garbage collection service to a customer has been discontinued for nonpayment of charges, a service charge of **Twenty-Five Dollars ($25.00)** shall be made.

18-3-4 NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS. No person owing charges for garbage collection services and removing to other premises where there are City garbage collection services shall be served until such charges in arrears are paid in full.

18-3-5 PAYMENT OF PRIOR BALANCES. The City shall not be required to provide any service to any customer until all previous balances for garbage collection service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's collection office.

18-3-6 DEFERRED PAYMENT AGREEMENT. Deferred Payment Agreements shall be made in the manner prescribed in **Section 38-2-11**.

18-3-7 RESERVED.

DIVISION II – CLEAN UP DAYS

18-3-8 SERVICE CHARGE FOR ANNUAL CLEAN UP DAYS. Pursuant to Section 5/11-19-1 of Chapter 65 of the Illinois Compiled Statutes, there is hereby established a minimum service charge for clean up days collection in the City, which minimum service charge shall be **Five Dollars ($5.00)** annually for each household and apartment of said City being served by said City's garbage collection system.

The annual service charge for clean up days in said City shall be billed annually in April and due and payable in May, provided, however, the patron shall have until the **seventeenth (17th) day of May** to pay said service charge by each household and apartment being served by the City's garbage collection system.

18-3-9 COLLECTION. The City Clerk is hereby authorized and directed to collect the said annual service charge for clean up days collection in said City, and the City Clerk may add such service to the April City utility bill of the City utility patrons being served by said City garbage collection system.

18-3-10 FAILURE TO PAY; PENALTY. If the service charge for collection of garbage is not paid by any patron being served by the City's garbage collection system by the **seventeenth (17th) day of May** as provided in **Section 18-3-8**, such charge shall remain as being payable to the City, and if not satisfied by payment may be recorded as a lien against the real estate of the occupant household/apartment.

(Ord. No. 479-11; 02-28-11)

CHAPTER 20 – LIBRARY

ARTICLE			TITLE	PAGE
I	LIBRARY BOARD			
	Section 20-1-1	-	Established	20-1
	Section 20-1-2	-	Appointment - Compensation	20-1
	Section 20-1-3	-	Term	20-1
	Section 20-1-4	-	Vacancies	20-1
	Section 20-1-5	-	Oath of Office; Organization; Meetings	20-1
	Section 20-1-6	-	Custodian of Funds	20-1
	Section 20-1-7	-	Powers and Duties	20-2
	Section 20-1-8	-	Additional Powers and Duties	20-3
	Section 20-1-9	-	Selection and Use of Library Materials	20-3
	Section 20-1-10	-	Free to Public	20-4
	Section 20-1-11	-	Annual Report	20-4
	Section 20-1-12	-	Donations	20-4
	Section 20-1-13	-	Disturbance Prohibited – Penalty	20-4
	Section 20-1-14	-	Injury to or Failure to Return Books – Penalty	20-4
	Section 20-1-15	-	Reference	20-4

CHAPTER 20

LIBRARY

ARTICLE I – LIBRARY BOARD

20-1-1 ESTABLISHED. There is hereby established a Public Library for the use and benefit of the inhabitants of the City. **(See 75 ILCS 5/1-2)**

20-1-2 APPOINTMENT - COMPENSATION. The Mayor shall, with the approval of the City Council, proceed to appoint a board of **nine (9) trustees** for the Public Library, chosen from the citizens at large with reference to their fitness for such office. **Not more than one (1) member of the City Council shall be (at any one time) a member of the Library Board. (See 75 ILCS 5/4-1)**

Trustees of the Library Board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds. **(See 75 ILCS 5/4-5)**

20-1-3 TERM. The Mayor shall, before the **July 1st of each year,** appoint **three (3) trustees** to take the place of the retiring trustees who shall hold office for **three (3) years** and until their successors are appointed. By and with the advice and consent of the City Council, the Mayor may remove any trustee as provided in **Chapter 1, Article III of this Code. (See 75 ILCS 5/4-1.1)**

20-1-4 VACANCIES. Vacancies shall be declared in the office of a trustee by the board when the trustee declines or is unable to serve, or is absent without cause from all regular board meetings for a period of **one (1) year,** or is convicted of a misdemeanor for failing, neglecting, or refusing to discharge any duty imposed upon a trustee or becomes a nonresident of the City, or who fails to pay the library taxes levied by the corporate authorities. **(See 75 ILCS 5/4-4)**

20-1-5 OATH OF OFFICE; ORGANIZATION; MEETINGS.

(A) Within **sixty (60) days** after their appointment, the new trustees shall take their oath of office and meet to organize the board. The oath shall consist of the following:

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

(B) The first action taken at the organizational meeting of the board shall be the election of a president and a secretary and such other officers as the board may deem necessary, and the board shall further provide in the bylaws of the board as to the length of the terms in office. The trustees shall determine the time and place of all official meetings of the board at which any legal action may be taken and shall post notice thereof at the public library maintained by the board and at not less than one public place within the corporate confines of the area of library service one day in advance thereof. **(See 75 ILCS 5/4-6)**

20-1-6 CUSTODIAN OF FUNDS. The City Treasurer shall be the custodian of all funds of the Library Board of Trustees. The cost of any bond necessary to satisfy the requirements of **Chapter 75, Section 5/4-9 of the Illinois Compiled Statutes** shall be borne by the library.

20-1-7 POWERS AND DUTIES. The Board of Library Trustees shall carry out the spirit and intent of this Chapter in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to, but without limiting other powers conferred by this Chapter shall have the following powers:

(A) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this Chapter.

(B) To have the exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the library fund;

(C) To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;

(D) To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the board's option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed **twenty (20) years** with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than **seventy-five percent (75%)** of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed **twenty (20) years** from the date of such refunding loan agreement, with interest on the unpaid principal balance at any lawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of **twenty (20) years;**

(E) To remodel or reconstruct a building erected or purchased by the board, when such building is not adapted to its purposes or needs;

(F) To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful, but for which plans for ultimate use have been or will be adopted, however, the corporate authorities shall have the first right to purchase or lease;

(G) To appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the library board, (but these powers are subject to **Division 1 of Article 10 of the Illinois Municipal Code** in municipalities in which that Division is in force). The board may also retain counsel and professional consultants as needed; **(See 65 ILCS 5/10-1-1)**

(H) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This contractual power includes, but is not limited to participating in interstate library compacts and library systems, and contracting to supply library services and for the expenditure of any Federal or State funds made available to the municipality or to the State of Illinois for library purposes;

(I) To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

(J) To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of **"The Library Board of Trustees of the City"** and by that name to sue and be sued.

(K) To exclude from the use of the library any person who willfully violates the rules prescribed by the board;

(L) To extend the privileges and use of the library; including the borrowing of materials on an individual basis by persons residing outside of the City. If the board exercises this power, the privilege of library use shall be upon such terms and conditions as the board shall, from time to time, by its regulations, prescribe and for such privileges and use, the board

shall charge a nonresident fee at least equal to the cost paid by residents of the City, with the cost to be determined according to the formula established by the **Illinois State Library.** The nonresident fee shall not apply to privilege and use provided under the terms of the library's membership in a library system operating under the provisions of the **Illinois Library System Act** or under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service or to a nonresident who is an individual or as a partner, principal stockholder, or other joint owner owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the municipality upon the presentation of the most recent tax bill upon that taxable property, provided that the privilege and use of the library is extended to only one such nonresident for each parcel of such taxable property.

(M) To exercise the power of eminent domain subject to the prior approval of the corporate authorities under the provisions of **75 ILCS 5/5-1 and 5/5-2.**

(N) To join the public library as a member in the **Illinois Library Association and the American Library Association,** non-profit, non-political, **(501-C-3)** associations, as designated by the federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through, and in the name of such instrumentality by providing and disseminating information and research services, employing personnel and doing any and all other acts for the purpose of improving library development;

(O) To accumulate and set apart as reserve funds, portions of the unexpended balances of the proceeds received annually from taxes or other sources for the purpose of providing self-insurance against liabilities relating to the public library;

(P) To invest funds pursuant to the **30 ILCS 235/1, et seq. (See 75 ILCS 5/4-7)**

20-1-8 ADDITIONAL POWERS AND DUTIES. In addition to all other powers and authority now possessed by it, the Board of Library Trustees shall have the following powers:

(A) To lease from any public building commission created pursuant to the provisions of the **Public Building Commission Act,** as now or hereafter amended, any real or personal property for library purposes for a period of time not exceeding **twenty (20) years; (See 50 ILCS 20/1 et seq.)**

(B) To pay for the use of this leased property in accordance with the terms of the lease and with the provisions of the **Public Building Commission Act,** as now or hereafter amended;

(C) Such lease may be entered into without making a previous appropriation for the expense thereby incurred. However, if the board undertakes to pay all or any part of the costs of operating and maintaining the property of a public building commission as authorized in subparagraph (D) of this section, such expenses of operation and maintenance shall be included in the annual budget of such board annually during the term of such undertaking;

(D) In addition, the board may undertake, either in the lease with a public building commission or by separate agreement or contract with a public building commission, to pay all or any part of the costs of maintaining and operating the property of a public building commission for any period of time not exceeding **forty (40) years. (See 75 ILCS 5/4-7.1)**

20-1-9 SELECTION AND USE OF LIBRARY MATERIALS. The Board of Library Trustees shall establish, and review at least biennially, a written policy for the selection of library materials and the use of library materials and facilities. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with the written policy required to be established pursuant to this section. **(See 75 ILCS 5/4-7.2)**

20-1-10 FREE TO PUBLIC. The library established shall be free for the use of the inhabitants of the City, always subject to such rules and regulations as the Library Board of Trustees may adopt, in order to render the use of the library and reading room to the greatest benefit to the greatest number. **(See 75 ILCS 5/4-7)**

20-1-11 ANNUAL REPORT. Within **thirty (30) days** after the expiration of each fiscal year of the municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

(A) An itemized statement of the various sums of money received from the Library Fund and from other sources;

(B) An itemized statement of the objects and purposes for which those sums of money have been expended;

(C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;

(D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;

(E) A statement of the character of any extensions of library service which have been undertaken;

(F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;

(G) A statement as to the amount of accumulations and the reasons therefore;

(H) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance, or for amounts due under a certificate of the board;

(I) Any other statistics, information and suggestions that may be of interest.

A report shall also be filed at the same time with the **Illinois State Library. (See 75 ILCS 5/4-10)**

20-1-12 DONATIONS. Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees. **(See 75 ILCS 5/1-6)**

20-1-13 DISTURBANCE PROHIBITED - PENALTY. Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

20-1-14 INJURY TO OR FAILURE TO RETURN BOOKS - PENALTY. No person shall maliciously cut, injure, deface, tear, or destroy any book, newspaper, periodical, or picture belonging to the Public Library. No person shall fail to return any book or books taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

20-1-15 REFERENCE. The City Council does hereby include by reference, all provisions of **75 ILCS 5/4, et seq. of the Illinois Compiled Statutes** applicable to the City Library that are not provided heretofore.

CHAPTER 21 – LIQUOR

ARTICLE			TITLE	PAGE
I	GENERALLY			
	Section 21-1-1	-	Definitions	21-1
II	LICENSES			
	Section 21-2-1	-	License Required	21-5
	Section 21-2-2	-	Applications	21-5
	Section 21-2-3	-	Examination of Applicant	21-7
	Section 21-2-4	-	Prohibited Licensees	21-7
	Section 21-2-5	-	Term; Fee Submitted in Advance	21-9
	Section 21-2-6	-	Classification – Fee - Limitation	21-10
	Section 21-2-7	-	Nature of License	21-11
	Section 21-2-8	-	Limitation of Licenses	21-11
	Section 21-2-9	-	Dramshop; Financial Responsibility	21-11
	Section 21-2-10	-	Dramshop Insurance	21-12
	Section 21-2-11	-	Display of License	21-12
	Section 21-2-12	-	Record of Licenses	21-12
III	REGULATIONS			
	Section 21-3-1	-	Hours	21-13
	Section 21-3-2	-	Happy Hour Restrictions	21-13
	Section 21-3-3	-	Prohibited Locations	21-15
	Section 21-3-4	-	Change of Location	21-15
	Section 21-3-5	-	Stores Selling School Supplies, Lunches, Etc.	21-15
	Section 21-3-6	-	Transporting, Etc., in Motor Vehicles	21-15
	Section 21-3-7	-	Open Liquor – Cup-to-Go Prohibited	21-16
	Section 21-3-8	-	Liquor in Vehicles; Underage	21-16
	Section 21-3-9	-	Restricted Residential Areas	21-16
	Section 21-3-10	-	Election Days	21-16
	Section 21-3-11	-	Unlawful Acts	21-16
	Section 21-3-12	-	Unlawful Entertainment	21-16
	Section 21-3-13	-	Sanitary Conditions	21-17
	Section 21-3-14	-	Diseased Employees	21-17
	Section 21-3-15	-	Health Permit	21-17
	Section 21-3-16	-	Peddling	21-17
	Section 21-3-17	-	Video Gaming	21-17
	Section 21-3-18	-	Disorderly House	21-18
	Section 21-3-19	-	Prohibited Sales – Generally	21-18
	Section 21-3-20	-	Persons Selling Liquor	21-18
	Section 21-3-21	-	Underaged; Entry on Licensed Premises	21-18
	Section 21-3-22	-	Unlawful Purchase of Liquor	21-18
	Section 21-3-23	-	Identification Required	21-18
	Section 21-3-24	-	Transfer of Identification Card	21-19
	Section 21-3-25	-	Posting Warning	21-19
	Section 21-3-26	-	Exclusionary Provision	21-19
	Section 21-3-27	-	Inspections	21-19
	Section 21-3-28	-	Books and Records – Available Upon Reasonable Notice and Maintained in State Records	21-19
	Section 21-3-29	-	Restrictions on Licensee	21-19
	Section 21-3-30	-	Selling False Identification	21-20

ARTICLE		TITLE	PAGE
III	REGULATIONS (CONTINUED)		
	Section 21-3-31	- False Identification	21-20
	Section 21-3-32	- Underaged Drinking on Streets	21-20
	Section 21-3-33	- Residential Drinking	21-20
	Section 21-3-34	- Renting Hotel Rooms for Drinking	21-20
	Section 21-3-35	- Basset Training Required	21-20
	Section 21-3-36	- Non-Alcoholic Malt Beverages Sales Restricted	21-21
IV	VIOLATIONS AND PENALTIES		
	Section 21-4-1	- Owner of Premises Permitting Violation	21-22
	Section 21-4-2	- Acts of Agent or Employee – Liability; Knowledge	21-22
	Section 21-4-3	- Revocation of License After Conviction	21-22
	Section 21-4-4	- Revocation of License When Employee Convicted	21-22
	Section 21-4-5	- Misbranding	21-22
	Section 21-4-6	- Abatement of Place Used in Violation	21-22
	Section 21-4-7	- Use of Premises for One Year After Revocation	21-22
	Section 21-4-8	- Revocation of Licenses	21-23
	Section 21-4-9	- Complaint by Residents	21-23
	Section 21-4-10	- Revocation or Suspension of Local License; Notice and Hearing	21-23
	Section 21-4-11	- Appeals from Order of Liquor Commissioner	21-24
	Section 21-4-12	- Subsequent Violations in a Year	21-24
	Section 21-4-13	- Appeal Limitations for Subsequent Violation	21-24

CHAPTER 21

LIQUOR

ARTICLE I – GENERALLY

21-1-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(See 235 ILCS 5/1-3.05)**

"APPLICANT" shall mean any person seeking to obtain a license pursuant to this Chapter. **(Ord. No. 529-13; 02-11-13)**

"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 5/1-3.04)**

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

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

"CLUB" means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(See 235 ILCS 5/1-3.24)**

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

"DISTILLED SPIRITS". See "Spirits".

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

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

"LICENSEE" shall mean any person, corporation, limited liability company, partnership or limited partnership holding a license under the terms of this Chapter. **(Ord. No. 529-13; 02-11-13)**

"LIMITED LIABILITY COMPANY" shall mean any limited liability company, domestic or foreign, qualified to do business in the State of Illinois under the Limited Liability Company Act, **805 ILCS 180/1-1** ***et seq.*** **(Ord. No. 529-13; 02-11-13)**

"LIMITED PARTNERSHIP" shall mean any limited partnership, domestic or foreign, qualified to do business under the Uniform Limited Partnership Act, **805 ILCS 215/0.01** ***et seq.*** **(Ord. No. 529-13; 02-11-13)**

"MANAGER" OR "MANAGING AGENT" shall mean the person designated as manager within the application for license. The Resident Manager or Managing Agent must be bona fide resident of the County of Effingham and must be a full-time employee of the Licensee who is physically present on a daily basis at the Premises not less than **twenty-five (25) hours** per week; the Manager or Managing Agent must have management authority including control of the Premises, all books and records and must have authority to make decisions and give consent regarding any matter concerning the control of the Premises. A general partnership, corporation, limited partnership, limited liability company, and similar business entities must conduct business by a Manager or Managing Agent. Satisfactory evidence of such employment shall be furnished to the City in the form and manner as the City may prescribe from time to time. **(Ord. No. 529-13; 02-11-13)**

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

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

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

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

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

"PERSON" shall mean any individual, firm, partnership, organization, corporation, limited liability company, association, proprietorship or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "Person" appears in any section of this Chapter prescribing a penalty or fine, as to partnership or associations, the word shall include the partners or members thereof, and as to corporations or limited liability company, shall include the officers, agents or members thereof who are responsible for any violation of this Chapter. **(Ord. No. 529-13; 02-11-13)**

"PREMISES/PLACE OF BUSINESS" means the place or location described in the application for a license where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Except for the issuance of a Non-profit civil, religious or charitable organization or corporation special license, or as specifically provided below, this term shall include only the permanent structure housing the licensed business and shall not include a street, parking lot, sidewalk, covered walkway, any unenclosed area or property outside such permanent structure unless otherwise licensed in accordance with the provisions of this Chapter. Notwithstanding the foregoing, for any Class "A", "C", "D" or "A-1" license that is for a Premises that is not owned or leased by the City, the term "Premises/Place of Business" may include any open air, roofed, or unroofed area or property lying outside of, adjacent, and contiguous to such permanent structure housing the licensed business having access from the main premises only, and enclosed by a permanent, unbroken barrier or enclosure, with a minimum height of **six (6) feet** with an emergency means of egress, provided said area is specifically designated in any License granted under the provisions of this Chapter. The barrier or enclosure shall comply and conform to all zoning and setback regulations of the City, and the location and design of said barrier or enclosure shall be subject to any further conditions and regulations required by the Local Liquor Control Commissioner. A building permit shall be obtained from the City, prior to the construction and/or replacement of any such barrier or enclosure. **(Ord. No. 714-21; 08-23-21)**

"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 5/1-3.23)**

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(See 235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(See 235 ILCS 1-3.21)**

"SELL AT RETAIL" and "SALE OF RETAIL" refer to any mean sales for use or consumption and not for resale in any form. **(See 235 ILCS 5/1-3.18)**

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

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

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(See 235 ILCS 5/1-3.02)**

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(See 235 ILCS 5/1-3.22)**

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(See 235 ILCS 5/1-3.03)**

ARTICLE II - LICENSES

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

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(See 235 ILCS 5/4-1)**

21-2-2 APPLICATIONS. The Mayor is authorized to grant and issue licenses to Persons 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.

Any Person desiring a license authorized by this Chapter shall make and submit an application in triplicate to the Mayor. A separate application shall be made for each licensed desired by an Applicant. Such application shall be in writing upon forms prepared and furnished by the City. Each application for a license shall be signed by the Applicant and verified by him by oath or affidavit, and shall be filed with the Mayor. In case the Applicant is a partnership, all partners must sign and verify the application.

In case the Applicant is a limited partnership, all general partners and any limited partner owning more than a **five percent (5%)** interest in such limited partnership must sign and verify the application. In case the Applicant is a corporation or club, all officers, directors and any stockholders owning more than **five percent (5%)** of the stock of such corporation must sign and verify the application and indicate their official position. In case the Applicant is a limited liability company, all members owning more than **five percent (5%)** of the interest of such company must sign and verify the application and indicate their official position. In case any other person is to conduct the place of business as Manager or Managing Agent of the Licensee he must also sign and verify the Application. The information requested in the application form must be furnished as to each person signing the application. Each application shall contain the following information and statements:

(A) **Name, Age and Address.** The name, age and address of the Applicant in the case of an individual; in the case of a partnership, the names and addresses of the persons entitled to share in the profits thereof; in the case of a limited partnership, the names, ages, and addresses of all general partners, and of all limited partners owning more than a **five percent (5%)** interest in such limited partnership; in the case of a corporation or Club, the objects for which organized, and the names, ages, and addresses of the officers, directors, and any stockholders owning more than **five percent (5%)** of the stock of such corporation; in the case of a limited liability company, the objects for which organized, and the names, ages, and addresses of the members owning more than **five percent (5%)** of the interest of such company; and in any case, the name and address of the Manager or Managing Agent who is to conduct the place of business for which the license or Permit is sought.

(B) **Residence in City.** Whether or not the Applicant, if an individual, is a bona fide resident of the City.

(C) **Citizenship.** The citizenship of the Applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(D) **Character of Business.** The character of business of the Applicant, and in the case of a corporation, the objects for which it was formed.

(E) **Length of Operation of Business.** The length of time that the Applicant has been engaged in the business of that character.

(F) **Ownership of Premises, Name of Landlord.** Whether the Applicant owns the premises for which a license is sought. Proof of ownership must be submitted in the form of a deed, tax bill or other qualifying document(s). If an Applicant for a license does not own the premises where the license is sought, he must submit the name of the landlord and the terms of the lease including the expiration of the lease or contract for deed. In the event the premises is contracted for deed or leased, a copy of the lease or contract for deed shall be attached to the Application.

(G) **Disposition of Other Applications.** 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.

(H) **Suspension or Revocation of Previous Licenses.** 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) **Former Convictions Relative to Decency or Morality.** Whether or not the Applicant has ever been convicted of being the keeper or an inmate of a house of ill fame, of pandering or of any other crime or misdemeanor opposed to decency or morality.

(J) **Connection with Houses of Ill Fame.** A statement that the Applicant is not, at the time of making the application, connected with a house of ill fame and that no such connection will occur during the existence of the License.

(K) **Former Conviction of Felony, Etc.** 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.

(L) **Agreement Not to Violate Ordinances, Etc.** A statement that the Applicant agrees not to violate any provision of this Chapter or other ordinances of this City or any law of the United States or of the state in the conduct of his business, and that in the event such promise is broken or if any statement contained in the Application is not true, that the license applied for may be immediately suspended or revoked.

(M) **Agreement to Testify Under Oath and Provide Records, As Required.** A statement that the Applicant will testify under oath and subscribe to the truth in response to all relevant and material questions propounded to him, in any hearing conducted by the Mayor, either before or after the issuance of a License to him, and that his failure to so testify shall be sufficient reason for the refusal to issue any such License to him, or the renewal thereof, or for the suspension or revocation of any License which has been issued to him. A statement that he will provide, on receipt of a lawfully authorized subpoena by the Mayor, any book or record of his licensed business in connection with any investigation conducted by the Mayor, and that his failure to provide such books or records shall be sufficient reason for the refusal to issue any such License to him, or the renewal thereof, or for the suspension or revocation of any License, which has been issued to him.

(N) **Statement as to Receipt of Money or Credit From Manufacturers or Distributors.** A statement that the Applicant has not accepted, received or borrowed money, or anything else of value, or accepted or received credit (other than merchandise credit in the ordinary course of business for a period not to exceed **thirty (30) days**) directly or indirectly from any manufacturer, importing distributor or wholesaler of alcoholic liquor, or from any stockholder, partner, officer, or member of any partnership, limited partnership, corporation, or limited liability company engaged in, or any other person connected with any such business.

(O) **Documentation of Limited Partnership.** If Applicant is an Illinois limited partnership, a copy of the filed certificate of limited partnership and a certificate of good standing from the Illinois Secretary of State must be attached. If Applicant is a foreign limited partnership, a copy of the filed certificate of limited partnership from the Illinois Secretary of State for admission to transact business as a foreign limited partnership in Illinois must be attached.

(P) **Documentation of Corporation.** If Applicant is an Illinois corporation, a copy of the articles of incorporation and a certificate of good standing from the Illinois Secretary of State must be attached. If Applicant is a foreign corporation, a certificate from the Illinois Secretary of State to conduct business in Illinois as a foreign corporation must be attached.

(Q) **Documentation of Limited Liability Company.** If Applicant is an Illinois limited liability company, a copy of the articles of organization and a certificate of good standing from the Illinois Secretary of State must be attached. If Applicant is a foreign limited liability company, a certificate from the Illinois Secretary of State to conduct business in Illinois as a foreign limited liability company must be attached.

(R) **Connection with Police Department or City Council.** A statement whether or not the Applicant, his or her spouse, or any member of the Applicant's household is a member or employee of the police department of the City, a City Commissioner, or the Mayor, and whether or not any such person is interested in any way, either directly or indirectly, in the License applied for, the premises, or the profits or proceeds from the sale of Alcoholic Liquor under the License applied for.

(S) **Evidence of Insurance.** No License shall be granted to an Applicant until such Applicant shall furnish evidence satisfactory to the Mayor that such Applicant is covered by a policy of dramshop insurance issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such Applicant against liability which such Applicant may incur under the provisions of **235 ILCS 5/6-21**, and specifically designating the City as an additional insured, on a primary, non-contributory basis. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the License sought.

(T) **Type of License or Permit.** A statement as to what type of License is being applied for. Following a review of the application and any additional documentation and information submitted by the Applicant, the Mayor retains the right to determine the appropriate classification of License to be issued.

(U) **Additional Requirements.** The Mayor may request additional information to be included in the application, which is necessary to effectuate the purposes of this Chapter.

One (1) copy of the application shall be retained by the Mayor, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(See 235 ILCS 5/7-1)**

(Ord. No. 529-13; 02-11-13)

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. **(See 235 ILCS 5/4-5)**

21-2-4 PROHIBITED LICENSEES. No license, authorized by this Chapter, shall be issued by the Mayor to the following:

(A) A Person **under the age of twenty-one (21) years** or a person under any legal disability;

(B) A Person who is not of good character and reputation in the community in which he resides;

(C) A Person who is not a citizen of the United States of America;

(D) A person who has been convicted of a felony under any federal or state law, pandering or any other crime or misdemeanor opposed to decency and morality, if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(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 a violation of any federal or state law concerning the manufacture, possession, or sale of Alcoholic Liquor, subsequent to **July 12, 1937**, or shall have forfeited his bond to appear in court to answer charges for any such violation, if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant a public trust;

(G) A Person convicted of any crime involving the illegal distribution or abuse of Alcoholic Liquor, including driving while intoxicated or illegal transportation of Alcoholic Liquor, if the Mayor determines, after investigation, that such Person has not been sufficiently rehabilitated to warrant a public trust;

(H) A Person who previously had a license issued under this Chapter, or prior liquor control ordinance, revoked or denied renewal for any cause;

(I) A Person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;

(J) An Applicant who is not a beneficial owner of the business to be operated by the Licensee;

(K) A partnership, unless all of the members of such partnership shall be qualified to obtain a license;

(L) A limited partnership, unless all of the general partners of such limited partnership shall be qualified to obtain a license and no limited partner owning more than a **five percent (5%)** interest in the limited partnership would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City;

(M) A corporation, if any officer, director, 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 City;

(N) A limited liability company, if any member owning in the aggregate more than **five percent (5%)** interest in the limited liability company, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City;

(O) A limited partnership, unless it is organized in Illinois, or unless it is a foreign limited partnership, which is qualified under the Illinois Uniform Limited Partnership Act of 2001 to transact business in Illinois;

(P) 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;

(Q) A limited liability company, unless it is organized in Illinois, or unless it is a foreign limited liability company which is qualified under the Illinois Limited Liability Company Act to transact business in Illinois;

(R) A Person who is not an actual resident of the City prior to the date of his or her application. In the case of a general partnership, residency shall not be required for partners, if the general partnership Applicant employs a Manager or Managing Agent to operate the business. In the case of a corporate Applicant, residency shall not be required for corporate officers and stockholders if the corporate Applicant employs a Manager or Managing Agent to operate the business. In the case of a limited liability company Applicant, residence shall not be required for limited liability company members if the limited liability company employs a Manager or Managing Agent to operate the business. In the case of a limited partnership Applicant, residency shall not be required for limited partners or general partners if the limited partnership applicant employs a Manager or Managing Agent to operate the business.

(S) An applicant whose place of business is to be conducted by a Manager or Managing Agent who would not be eligible to receive a license for a reason other than citizenship.

(T) A Person not eligible for a state retail liquor license.

(U) A Person who does not own the Premises for which a license is being sought or does not have a written lease for the full period for which the license is to be issued.

(V) A Person leasing the Premises for which a license is being sought where the terms of the lease are in conflict with this Chapter, any provision of the Revised Code of Ordinances, or the Illinois Liquor Control Act.

(W) Any law enforcing public official, including the Mayor, commissioners or any elected official; and no such official shall be interested directly or indirectly in the manufacture, sale, or distribution of Alcoholic Liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official, provided, however, that persons described herein may be members or unpaid officers of Clubs, as defined in **Section 21-1-1** of this Chapter, which are licensed in accordance with **Section 21-2-6(C)** of this Chapter.

(X) Any Person who has in any way failed to cooperate in a background investigation required by this Chapter as ordered or authorized by the Mayor.

(Y) Any Person who fails to furnish information or to make statements required in the application for license as set forth in this Chapter or requested by the Mayor.

(Z) A Person who knowingly furnishes false or misleading information or falsely answers the statements required in the Application for a license, or one who furnishes false or misleading information on the application or to any investigator during the application process.

(AA) A Person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of or proscribed by Section 8-1.1 or 28-3 of the Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(BB) A Person or entity to whom a federal wagering stamp has been issued by he 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.

(CC) Any Person if the following criteria is applicable; If any tax payable to the City or other debt owed to the City remains unpaid after its due date and the delinquent taxpayer or debtor (henceforth debtor) holds a license, for the benefit of the debtor or his property, issued by the City, or the debtor applies for such license, the City Treasurer may request the licensing or issuing authority to suspend or refuse to issue, renew or extend such license. The Mayor shall then suspend or refuse to issue, renew, or extend such license until such time as all taxes and outstanding debts are paid. Every Licensee or Applicant for license shall attest, under penalties of perjury, that he has paid all taxes or other debts owed to the City.

(DD) A Person requesting a license for Premises already licensed to another Licensee under this Chapter.

(EE) Any Person who has not obtained and provided proof to the Mayor of adequate dramshop insurance. The City shall be named as a certificate holder, and it will be the responsibility of the insurer to notify all certificate holders of any restriction or termination of said policy. Failure to maintain adequate dramshop insurance shall be grounds for revocation of any license granted under this Chapter. A Licensee is required to give notice within **seven (7) calendar days** to the Mayor in the event its liquor liability insurance is restricted in any way or terminated for any cause. A Licensee must provide prior written notice regarding any changes of liquor liability insurance to the Mayor **thirty (30) days** prior to the changes being made.

(FF) Any person who uses or proposes to use a Licensed Premises, which are not in compliance with all applicable health and safety codes and regulations pertaining to the City, including, but not limited to Building, Plumbing, Electrical, Fire Codes. **(See 235 ILCS 5/6-2) (Ord. No. 529-13; 02-11-13)**

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **May 1st to April 30th** of the following year. The fee to be paid shall be reduced in proportions to the full calendar months which have expired in the year prior to the issuance of the license.

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

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

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

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

(A) **Class "A" License.** There is hereby created a Class "A" liquor license, which shall authorize retail sale of alcoholic liquor for consumption on or off the premises specified as well as other retail sales of such liquor. The annual fee shall be **Seven Hundred Fifty Dollars ($750.00)**. There shall be a limit of **five (5)** Class "A" licenses. **(Ord. No. 594-16)**

(B) **Class "B" Licenses.** There is hereby created a Class "B" liquor license, which shall authorize the retail sale of alcoholic liquor on premises specified, but not for consumption on the premises where sold. The annual license fee shall be **Seven Hundred Fifty Dollars ($750.00)**. There shall be a limit of **one (1)** Class "B" license. **(Ord. No. 506-12; 01-09-12)**

(C) **Class "C" License.** There is hereby created a Class "C" liquor license, which shall authorize the retail sale of alcoholic liquor on premises specified, for consumption on the premises where sold. Such sales shall be restricted to the members of a club as defined in **Section 21-1-1** and bona fide guests of said club. The annual license fee shall be **Seven Hundred Fifty Dollars ($750.00).** There shall be a limit of **one (1)** Class "C" license. **(Ord. No. 506-12; 01-09-12)**

(D) **Non-Profit Civic, Religious or Charitable Organizations or Corporations.** Any non-profit civic, religious or charitable organization or corporation may apply for and be issued a special license which shall authorize the retail sale of beer or wine for consumption on the premises sold for a term specified in said license, not to exceed **two (2) weeks**. When said temporary license is issued, all beer and wine must be sold in an enclosure or fenced in area open only to individuals over the age of **twenty-one (21)**, with all children and individuals under the age of **twenty-one (21)** being prohibited from said enclosure. All beer shall be dispensed in plastic cups and shall be consumed within the enclosure, providing a "beer garden" type atmosphere. Any party not abiding by the above condition will be subject to immediate termination of said license. The fee for such a license shall be **Seventy-Five Dollars ($75.00).** Such a license may be exempt from the Sunday closing requirements of this Chapter as determined by the Mayor and City Council on a case-by-case basis but shall otherwise be required to comply with the remaining provisions of this Code, as amended from time to time, and all other applicable laws or ordinances. **(Ord. No. 506-12; 01-09-12)**

(E) **Class "D" Licenses.** There is hereby created a Class "D" liquor license, which shall authorize the licensee to sell alcoholic liquor by the drink for consumption on the premises where sold, providing this classification of license may only be issued for a location defined as a Restaurant. The annual fee shall be **Seven Hundred Fifty Dollars ($750.00)**. There shall be a limit of **two (2)** Class "D" licenses. **(Ord. No. 506-12; 01-09-12)**

(F) **Class "A-1" License (Video Gaming Entertainment Facility License).** There is hereby created a Class "A-1" liquor license, which shall authorize the licensee to make consumption sales of alcoholic liquor for consumption on the licensed premises only, provided that this Class "A-1" license shall not authorize package sales. A Class "A-1" license shall only be issued for a location defined as a "Video Gaming Entertainment Facility." The annual fee shall be **Seven Hundred Fifty Dollars ($750.00)**. There shall be a limit of **two (2)** Class "A-1" licenses. For purposes of this subparagraph the term "Video Gaming Entertainment Facility" shall mean a facility to be operated as a Licensed Establishment for which a license has been issued by the

Illinois Department of Revenue or the Illinois Gaming Board pursuant to the Illinois Video Gaming Act (230 ILCS 40/1 *et seq.*), whose primary business purpose is to provide a video gaming entertainment venue, having not less than **five (5)** Video Gaming Terminals. For purposes of this Class "A-1" License, the sale of alcoholic liquor shall be secondary to the video gaming entertainment and shall not exceed **fifty percent (50%)** of the Licensee's total Net Terminal Income derived from the facility for any quarter of any year. Furthermore, for purposes of this subparagraph the terms "Licensed Establishment," "Net Terminal Income" and "Video Gaming Terminal" shall have the same meaning as those terms are defined in Section 5 of the Illinois Video Gaming Act (230 ILCS 20/5). **(Ord. No. 541-13; 12-23-13)**

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 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 5/4-1)**

21-2-9 DRAMSHOP: FINANCIAL RESPONSIBILITY. No license of any class to sell alcoholic liquor shall be issued by the Mayor unless the applicant therefor has presented a written commitment or "binder" from a licensed dramshop insurer to ensure the said licensee in an amount not less than the maximum limit for recovery provided for in **Chapter 235 Sec. 5/6-21 of the Illinois Compiled Statutes**. The applicant/licensee shall contemporaneous with the issuance of his license, present evidence of such insurance (a duplicate policy and a paid receipt for the premium therefore) to the local liquor control commissioner. The licensee's failure to keep such dramshop insurance in force throughout the entire period for which the aforesaid license is issued shall be grounds for revocation of such license.

21-2-10 DRAMSHOP INSURANCE. No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(235 ILCS 5/6-21)**

21-2-11 DISPLAY OF LICENSE. Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(See 235 ILCS 5/6-24)**

21-2-12 RECORD OF LICENSES. The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours. (See 235 ILCS 5/4-1)**

ARTICLE III - REGULATIONS

21-3-1 HOURS. The hours for retail liquor licenses shall be as follows effective July 1, 2016:

(A) **Hours of Operation for All Licenses.** It shall be lawful for any licenses to give or sell or offer for sale or gift or in any way provide any alcoholic liquors, spirits, beer, or wine in the City during the following hours:

Hours of Operation:

Monday	From	6:00 A.M.	to	12:00 Midnight
Tuesday	From	6:00 A.M.	to	12:00 Midnight
Wednesday	From	6:00 A.M.	to	12:00 Midnight
Thursday	From	6:00 A.M.	to	12:00 Midnight
Friday	From	6:00 A.M.	to	Saturday 1:00 A.M.
Saturday	From	6:00 A.M.	to	Sunday 1:00 A.M.
Sunday	From	6:00 A.M.	to	12:00 Midnight

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 Central Standard Time, whichever is in effect in the City.

Such alcoholic liquor is sold in connection with the operation of a restaurant as defined in **Section 21-1-1**, which serves a complete luncheon and dinner or supper meals, and then only as a part of a meal served to the customer, or if catering is provided to a group of **ten (10)** or more.

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter. **(See 235 ILCS 5/4-1) (Ord. No. 594-16)**

21-3-2 HAPPY HOUR RESTRICTIONS.

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

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

(1) Sell more than **one (1) drink** of alcoholic liquor for the price of **one (1) drink** of alcoholic liquor;

(2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided by **235 ILCS 5/6-28.5**;

(3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licenses premises; or

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

(C) Permitted happy hours and meal packages, party packages, and entertainment packages.

(1) As used in this Section:

(a) **"Dedicated event space"** means a room or rooms or other clearly delineated space within a retain licensee's

premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

(b) **"Meal package"** means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

(c) **"Party package"** means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(2) A retail licensee may:

(a) offer free food or entertainment at any time;

(b) include drinks of alcoholic liquor as part of a meal package;

(c) sell or offer for sale a party package only if the retail licensee:

(i) offers food in the dedicated event space;

(ii) limits the party package to no more than **three (3) hours**;

(iii) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and

(iv) excludes individuals not participating in the party package from the dedicated event space;

(d) include drinks of alcoholic liquor as part of a hotel package;

(e) negotiate drinks of alcoholic liquor as part of a hotel package;

(f) provide room service to persons renting rooms at a hotel;

(g) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;

(h) advertise events permitted under this Section;

(i) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (i) restricts dates of operation to dates during which there is an event at an adjacent stadium, (ii) restricts hours of serving alcoholic liquor to **two (2) hours** before the event and **one (1) hour** after the event, (iii) restricts alcoholic liquor sales to beer and wine, (iv) requires tickets for admission to the establishment, and (v) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and

(j) discount any drink of alcoholic liquor during a specified time period only if:

(i) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;

(ii) the period of time during which any drink of alcoholic liquor is discounted does not exceed **four (4) hours** per day and **fifteen (15) hours** per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;

(iii) the drink of alcoholic liquor is not discounted between the hours of **10:00 P.M.** and the licensed premises' closing hour; and

(iv) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least **seven (7) days** prior to the specified time.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by **Article IV** of this Chapter. **(235 ILCS 5/6-28)**

21-3-3 PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. **(See 235 ILCS 5/6-11)**

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

21-3-5 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of schoolbooks, school supplies, food, lunches, or drinks for such minors. **(See 235 ILCS 5/6-12)**

21-3-6 TRANSPORTING, ETC., IN MOTOR VEHICLES. No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 OPEN LIQUOR - CUP-TO-GO PROHIBITED. The licensee shall not knowingly permit any person to leave his premises with open liquor or in a **"cup-to-go".**

21-3-8 LIQUOR IN VEHICLES; UNDERAGE. The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

(A) If such liquor is found on the person of one of the occupants therein; or

(B) If such vehicle contains at least one occupant over **twenty-one (21) years of age.**

21-3-9 RESTRICTED RESIDENTIAL AREAS. It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code. **(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 City, 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 650/1, et seq.)**

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

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

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

21-3-17 VIDEO GAMING.

(A) **Definitions.**

(1) **Terminal Operator.** An individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

(2) **Video Gaming Terminal.** Any electronic video gaming machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and black jack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credit that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes.

(B) **License Required.** No person shall keep or permit to be kept for gain or profit from operation within the City any video gaming terminal without first having obtained a license provided by the City.

(C) **License Fees and Term.** Each terminal operator as defined by the Video Gaming Act shall obtain a license for each gaming terminal through the City. The licensing requirements shall be the same as through the State of Illinois Gaming Act. The holder of each terminal shall pay an annual fee per gaming terminal as follows:

Liquor License Holder of Class A, A-1, D liquor license - $250.00 per gaming terminal.

Liquor License Holder of Class C liquor license - $100.00 per gaming terminal.

Gaming terminal fee shall be renewed annually with the City. The license term shall be **May 1** through **April 30** of each year.

Said fees are not subject to proration or refund and are due prior to issuance of the license.
(Ord. No. 733-22; 03-28-22)

(D) **Penalties.** Any person, firm or corporation violating any provision of this Chapter or Section shall be fined no more than **Seven Hundred Fifty Dollars ($750.000)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. No. 528-13; 01-14-13)

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

21-3-19 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years,** or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years,** except in the performance of a religious ceremony or service. **(See 235 ILCS 5/6-16)**

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

21-3-21 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of **twenty-one (21) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" or a Class "B" license unless accompanied by a parent or legal guardian. No holder of a Class "A" or Class "B" license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **twenty-one (21) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this section, any holder of a Class "A" or a Class "B" license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **twenty-one (21) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **twenty-one (21) years** is that person's parent or legal guardian. **(See 235 ILCS 5/4-1)**

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

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

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

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

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

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

UNDERAGE LIQUOR WARNING

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

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

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

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

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

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(See 235 ILCS 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(See 235 ILCS 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(See 235 ILCS 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(See 235 ILCS 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(See 235 ILCS 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

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

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

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

21-3-33 RESIDENTIAL DRINKING. Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **eighteen (18) years** of age and the following factors also apply:

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

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

(C) the person occupying the residence knows that the person under the age of **eighteen (18)** leaves the residence in an intoxicated condition.

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

21-3-35 BASSET TRAINING REQUIRED.

(A) For all licenses issued on or after **October 1, 2016** and all original or renewal applications for Classes "A" to "G" liquor licenses shall be accompanied with proof of

completion of a State Certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purpose of alcoholic beverages, pursuant to that license.

(B) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by **235 ILCS 5/3-12(11.1)** and **6-27** and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(C) After **October 1, 2016**, any new owner, manager, employee, or agent requiring BASSET training, shall within **ninety (90) days** from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(D) A photo copy of certificate of completion for all owners, managers, employees, or agents required by this Section to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(E) The City will honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

21-3-36 NON-ALCOHOLIC MALT BEVERAGES SALES RESTRICTED.

(A) **Definitions.** For the purpose of this Section, the following definition shall apply unless the context indicates or requires a different meaning.

Non-Alcoholic Beverages. Any and all non-alcoholic beverages having an alcohol content of 0.5% or less and having the taste, smell and general appearance of beer, and other malt liquors.

(B) **Sale Unlawful.** It shall be unlawful for any person, firm, or entity to sell those non-alcoholic malt beverages hereinabove defined to persons under the age of **twenty-one (21) years**.

(C) **Distribution Unlawful.** It shall be unlawful for any person, firm or entity to distribute those non-alcoholic malt beverages hereinabove defined to persons under the age of **twenty-one (21) years**.

(D) **Consumption or Possession Unlawful.** It shall be unlawful for any person under the age of **twenty-one (21) years** to consume or to have in his possession any non-alcoholic malt beverages as hereinabove defined.

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(235 ILCS 5/10-2)**

21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(235 ILCS 5/10-3)**

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

21-4-4 REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(235 ILCS 5/10-5)**

21-4-5 MISBRANDING. Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(235 ILCS 5/10-6)**

21-4-6 ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(235 ILCS 5/10-7)**

21-4-7 USE OF PREMISES FOR ONE YEAR AFTER REVOCATION. When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(235 ILCS 5/7-13)**

21-4-8 REVOCATION OF LICENSES. The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

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

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

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

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

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(235 ILCS 5/4-4)**

21-4-9 COMPLAINT BY RESIDENTS. Any **five (5) residents** of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

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

21-4-10 REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act,** any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

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

(B) **Revocation and Suspension: Notice.** However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and

the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) **Hearing.** The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(235 ILCS 5/7-5)**

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

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

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period,** the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period**. **(235 ILCS 5/7-9)**

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the municipality from State Commission. **(235 ILCS 5/7-9)**

APPLICATION FOR CITY LIQUOR RETAILER'S LICENSE

TO: Mayor
City of Altamont
202 N 2nd St
Altamont, IL 62411

The undersigned hereby make(s) application for the issuance of a City retailer's license for the sale of alcoholic liquor for the term beginning _____, 20___, and ending _____ _____, 20___, and hereby certify(ies) to the following facts:

1) Applicant's full name _____
(If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted:
_____

2) Location of place of business for which license is sought _____
A) _____
Exact address by street and number/zip code
B) _____
(Full description of location, place or premises, specifying floor, room, etc.)

3) State principal kind of business _____

4) Class of license applied for _____

5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? _
_____
If so, are premises:
A) Maintained and held out to the public as a place where meals are actually and regularly served? _____
B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? ____

6) Does applicant own premises for which this license is sought? _____

7) Has applicant a lease on such premises covering the full period for which the license is sought? _____ If so, attach copy.

8) Is applicant licensed as a food dispenser? _____

9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? _____

10) Is any law enforcing public official, mayor, trustee, member of the board of trustees, or any president or member of a county board directly interested in the business for which this license is sought? _____

11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? _____

12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? _____
If so, at what location or locations? _____

13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? _____
If so, at what location or locations? _____

14) Will the business be conducted by a manager or agent? _____
If so, give name and residence address of such manager or agent:
Name _____
Address _____

15) Do you hold any other current business licenses issued by the City? _____ If so, what type of license do you currently hold and what is the address of the licensed premises?
(Type) _____
(Address) _____

Individual Applicant:

16) A) Name _____
Date of birth _____
Month/Day/Year

B) Residence address _____
(give street and number)
Telephone number _____

C) Place of birth _____

D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(City and State)
Court in which (or law under which) naturalized
_____

E) Have you ever been convicted of any felony under any Federal or State law?
_____
If so, give date and state offense _____

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? ____
If so, give dates and state offense _____

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
If so, give dates and state offense _____

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____

I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____
_____

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

Co-partnership/Corporate Applicant:

17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)
Date of birth _____
Month/Day/Year

B) Residence address _____
(Village and State)
Telephone number _____

C) Place of birth _____
Month/Day/Year

D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(Village and State)
Court in which (or law under which) naturalized _____

E) Have you ever been convicted of any felony under any Federal or State law? _____
If so, give date and state offense _____

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? ____
If so, give dates and state offense _____

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
If so, give dates and state offense _____

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____

I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____
_____

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

APPENDIX IV

AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF EFFINGHAM)

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the City of Altamont or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this _____ day of _____, 20____.

_____
(Signature of Applicant)

CHAPTER 22 - MANDATED POLICIES

ARTICLE		TITLE	PAGE
I	IDENTITY THEFT		
	Section 22-1-1	- Program Adoption	22-1
	Section 22-1-2	- Program Purpose and Definitions	22-1
	Section 22-1-3	- Identification of Red Flags	22-2
	Section 22-1-4	- Detecting Red Flags	22-3
	Section 22-1-5	- Preventing and Mitigating Identity Theft	22-3
	Section 22-1-6	- Program Updates	22-4
	Section 22-1-7	- Program Administration	22-4
II	USE OF SOCIAL SECURITY NUMBERS		
	Section 22-2-1	- Definitions	22-5
	Section 22-2-2	- Prohibited Activities	22-5
	Section 22-2-3	- Public Inspection and Copying of Documents	22-6
	Section 22-2-4	- Applicability	22-6
	Section 22-2-5	- Compliance with Federal Law	22-6
	Section 22-2-6	- Embedded Social Security Numbers	22-7
	Section 22-2-7	- Identity--Protection Requirements	22-7
	Section 22-2-8	- Penalty	22-7
	Section 22-2-9	- Amendment of Privacy Policy	22-7
	Section 22-2-10	- Conflict with Stricter Laws	22-7
III	FREEDOM OF INFORMATION POLICY		
	Section 22-3-1	- Freedom of Information Officer	22-8
	Section 22-3-2	- Retrieval of Records	22-8
	Section 22-3-3	- Determination of Fees	22-8
	Section 22-3-4	- Denial of FOIA Request	22-8
	Section 22-3-5	- Exhibits by City Clerk	22-8
IV	FAIR HOUSING CODE		
	Section 22-4-1	- Declaration of Policy	22-9
	Section 22-4-2	- Definitions	22-9
	Section 22-4-3	- Prohibited Acts	22-10
	Section 22-4-4	- Penalty	22-10
V	INVESTMENT POLICY		
	Section 22-5-1	- Investment Policy	22-11
	Section 22-5-2	- Scope	22-11
	Section 22-5-3	- Prudence	22-11
	Section 22-5-4	- Objective	22-11
	Section 22-5-5	- Delegation of Authority	22-11
	Section 22-5-6	- Ethics and Conflicts of Interest	22-11
	Section 22-5-7	- Authorized Financial Dealers and Institutions	22-11
	Section 22-5-8	- Authorized and Suitable Investments	22-11
	Section 22-5-9	- Collateralization	22-11
	Section 22-5-10	- Safekeeping and Custody	22-12
	Section 22-5-11	- Diversification	22-12
	Section 22-5-12	- Maximum Maturities	22-12

ARTICLE	TITLE			PAGE
V	INVESTMENT POLICY (CONTINUED)			
	Section 22-5-13	-	Internal Control	22-12
	Section 22-5-14	-	Performance Standards	22-12
	Section 22-5-15	-	Reporting	22-12
	Section 22-5-16	-	Investment Policy Adoption and Modification	22-12
VI	ETHICS CODE			
	Section 22-6-1	-	State Officials and Employees Ethics Act	22-13
VII	EQUAL EMPLOYMENT POLICY			
	Section 22-7-1	-	Adoption of Codes	22-14
	Section 22-7-2	-	Non-Discriminatory Practices	22-14
	Section 22-7-3	-	Contracting with Non-Complaints	22-14
	Section 22-7-4	-	Outreach to All	22-16
	Section 22-7-5	-	Minority Hiring	22-16
	Section 22-7-6	-	Accommodations for Disabled	22-16
	Section 22-7-7	-	Compliance by Employees	22-16
	Section 22-7-8	-	Designated Enforcers	22-16
VIII	POLICY PROHIBITING SEXUAL HARASSMENT			
	Section 22-8-1	-	Prohibition on Sexual Harassment	22-17
	Section 22-8-2	-	Definition of Sexual Harassment	22-17
	Section 22-8-3	-	Procedure for Reporting an Allegation of Sexual Harassment	22-18
	Section 22-8-4	-	Prohibition on Retaliation for Reporting Sexual Harassment Allegations	22-19
	Section 22-8-5	-	Consequences of a Violation of the Prohibition on Sexual Harassment	22-19
	Section 22-8-6	-	Consequences for Knowingly Making a False Report	22-20
IX	STANDARDS OF ETHICAL CONDUCT TO ADDRESS FRAUD, WASTE AND ABUSE			
	Section 22-9-1	-	Policy	22-21
	Section 22-9-2	-	Scope	22-21
	Section 22-9-3	-	Interpretation	22-21
	Section 22-9-4	-	Definitions	22-21
	Section 22-9-5	-	Expectations	22-22
	Section 22-9-6	-	Reporting	22-23
	Section 22-9-7	-	Investigation and Enforcement	22-23
X	WHISTLEBLOWER PROTECTION POLICY			
	Section 22-10-1	-	Purpose	22-24
	Section 22-10-2	-	Definitions	22-24
	Section 22-10-3	-	Duties of an Auditing Official	22-25
	Section 22-10-4	-	Duties of an Employee	22-25
	Section 22-10-5	-	Defend Trade Secrets Act Compliance	22-25
	Section 22-10-6	-	Employee Acknowledgement	22-25

ARTICLE		TITLE	PAGE
XI		DRUG/ALCOHOL TESTING POLICY AND PROCEDURE	
	Section 22-11-1	- Drug and Alcohol-Free Workplace Policy	22-26
	Section 22-11-2	- Definitions	22-26
	Section 22-11-3	- Prohibited Actions	22-26
	Section 22-11-4	- Applicability	22-26
	Section 22-11-5	- Testing Procedure	22-27
	Section 22-11-6	- Screening and Testing	22-27
	Section 22-11-7	- Confidentiality of Test Results	22-29
	Section 22-11-8	- Consequences of Positive Test Result or Refusal to Cooperate	22-29
	Addendum "A"	- Employee Acknowledgement of Whistleblower Protection Policy	22-30
	Exhibit A	- Municipal Information Director	22-32
	Exhibit B	- Sample Block Diagram of Functional Subdivision	22-33
	Exhibit C	- Municipal Records Directory	22-34
	Exhibit D	- Cataloging and Indexing of Public Records	22-35

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT

22-1-1 PROGRAM ADOPTION. The City 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 City. 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 City Council determined that this Program was appropriate for the City, and therefore approved this Program on February 9, 2009.

22-1-2 PROGRAM PURPOSE AND DEFINITIONS.

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

(1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;

(2) Detect Red Flags that have been incorporated into the Program;

(3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and

(4) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

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

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

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

(1) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

(2) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

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

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

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

(1) Report of fraud accompanying a credit report;

(2) Notice or report from a credit agency of a credit freeze on a customer or applicant;

(3) Notice or report from a credit agency of an active-duty alert for an applicant; and

(4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

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

(1) Identification document or card that appears to be forged, altered or inauthentic;

(2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;

(3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and

(4) Application for service that appears to have been altered or forged.

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

(1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);

(2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);

(3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

(4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

(5) Social security number presented that is the same as one given by another customer;

(6) An address or phone number presented that is the same as that of another person;

(7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and

(8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**

(1) Change of address for an account followed by a request to change the account holder's name;

(2) Payments stop on an otherwise consistently up to date account;

(3) Account used in a way that is not consistent with prior use (example: very high activity);

(4) Mail sent to the account holder is repeatedly returned as undeliverable;

(5) Notice to the Utility that a customer is not receiving mail sent by the Utility;

(6) Notice to the Utility that an account has unauthorized activity;

(7) Breach in the Utility's computer system security; and

(8) Unauthorized access to or use of customer account information.

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

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

22-1-4 DETECTING RED FLAGS.

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

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;

(2) Verify the customer's identity (for instance, review a driver's license or other identification card);

(3) Review documentation showing the existence of a business entity; and

(4) Independently contact the customer.

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

(1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);

(2) Verify the validity of requests to change billing addresses; and

(3) Verify changes in banking information given for billing and payment purposes.

22-1-5 PREVENTING AND MITIGATING IDENTITY THEFT.

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

(1) Continue to monitor an account for evidence of Identity Theft;

(2) Contact the customer;

(3) Change any passwords or other security devices that permit access to accounts;

(4) Not open a new account;

(5) Close an existing account;

(6) Reopen an account with a new number;

(7) Notify the Program Administrator for determination of the appropriate step(s) to take;

(8) Notify law enforcement; or

(9) Determine that no response is warranted under the particular circumstances.

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

(1) Ensure that its website is secure or provide clear notice that the website is not secure;

(2) Ensure complete and secure destruction of paper documents and computer files containing customer information;

(3) Ensure that office computers are password protected and that computer screens lock after a set period of time;

(4) Keep offices clear of papers containing customer information;

(5) Request only the last 4 digits of social security numbers (if any);

(6) Ensure computer virus protection is up to date; and

(7) Require and keep only the kinds of customer information that are necessary for utility purposes.

22-1-6 PROGRAM UPDATES. The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council 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 **720 ILCS 5/16-30 et seq.** and **5 ILCS 179/1 et seq.** 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.

ARTICLE II - USE OF SOCIAL SECURITY NUMBERS

22-2-1 DEFINITIONS.

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

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

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

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

22-2-2 PROHIBITED ACTIVITIES.

(A) No officer or employee of the City 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 City's authorizing Ordinance, no officer or employee of the City 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 City 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 City 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 City 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: City 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 City 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 City 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 City shall control.

22-2-3 PUBLIC INSPECTION AND COPYING OF DOCUMENTS. Notwithstanding any other provision of this policy to the contrary, all officers and employees of the City 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 City must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

22-2-4 APPLICABIILITY.

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

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

22-2-5 COMPLIANCE WITH FEDERAL LAW. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the City shall follow that law.

22-2-6 EMBEDDED SOCIAL SECURITY NUMBERS. Beginning immediately on the effective date of the City's authorizing Ordinance, no officer or employee of the City may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

22-2-7 IDENTITY--PROTECTION REQUIREMENTS.

(A) All officers, employees and agents of the City 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 City 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 City Council within **thirty (30) days** after approval of this Policy or any amendment thereto.

(F) The City 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 City amends this Privacy Policy, then the City shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

22-2-8 PENALTY. Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars ($100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars ($750.00)** for each violation thereafter.

22-2-9 AMENDMENT OF PRIVACY POLICY. The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the City Council as the City Council shall deem necessary in its sole discretion in order to maintain the City's compliance with the Illinois Identity Protection Act as now or hereafter amended.

22-2-10 CONFLICT WITH STRICTER LAWS. This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

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

(Ord. No. 478-11; 02-14-11)

ARTICLE III - FREEDOM OF INFORMATION POLICY

22-3-1 FREEDOM OF INFORMATION OFFICER. The City Clerk is hereby designated as the Freedom of Information Officer to whom all initial requests for access to the records of the City are to be referred. Such requests are to be made at the offices of the Clerk at 202 N. Second St. Altamont, Illinois, between the hours of **8:00 a.m. – 5:00 p.m. Monday – Friday**. In the event that the City Clerk is not available during the times described above, the Deputy Clerk is designated as the Deputy Freedom of Information Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the Freedom of Information Officer, or his or her designee(s), shall receive requests submitted to the City under FOIA, ensure that the City responds to FOIA requests in a timely fashion and issue responses as required or authorized under FOIA. The Freedom of Information Officer shall develop a list of documents or categories of records that the City shall immediately disclose upon request. Police record requests are directed to the Chief of Police.

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

(1) Note the date the City receives the written request;

(2) Compute the day 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 a 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 requester and a copy of other communications relating to the request.

(B) The Freedom of Information Officer and Deputy Freedom of Information Officer(s) shall, within **thirty (30) days** of designation, successfully complete an electronic training curriculum through the Illinois Attorney General Public access Counselor and thereafter successfully complete an annual training program. Whenever a new Freedom of Information Officer is designated by the City, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position.

22-3-2 RETRIEVAL OF RECORDS. Any records which are the subject of a request under FOIA shall be retrieved from such place as they are stored by the Freedom of Information Officer, or by an employee of the City acting under the direction of the Freedom of Information Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the City.

22-3-3 DETERMINATION OF FEES. If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the Freedom of Information Officer pursuant to Section 6(b) of FOIA. The Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested, subject to the limitations under FOIA.

22-3-4 DENIAL OF FOIA REQUEST. In the event that a request to inspect City records is denied by the Freedom of Information Officer, the denial may be appealed to the Illinois Attorney General Public Access Counselor.

22-3-5 EXHIBITS BY CITY CLERK. The Clerk shall prepare (a) a City Information Directory; (b) a block diagram of the functional Subdivisions of the City; (c) a City Records Directory; and, (d) a Records Catalog, all of which shall be substantially in the same form as the documents attached hereto and made a part hereof as Exhibits A, B, C and D. This information shall also be posted on the City's website.

ARTICLE IV - FAIR HOUSING CODE

22-4-1 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the City may be ensured, it is hereby declared the policy of the City 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 City 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 City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

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

22-4-2 DEFINITIONS. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

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

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

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

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

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

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

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

22-4-3 PROHIBITED ACTS. It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

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

(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 City or in furnishing of any facilities or services in connection therewith.

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

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

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

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

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

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

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

22-4-4 PENALTY. Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City to specifically enforce, by any legal means, any of the provisions of this Code.

(65 ILCS 5/11-11.1-1)

(Ord. No. 553-14; 03-10-14)

ARTICLE V – INVESTMENT POLICY

22-5-1 INVESTMENT POLICY. It is the policy of the City 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 City and conforming to all State and local statutes governing the investment of public funds.

22-5-2 SCOPE. This policy includes all public funds of the City.

22-5-3 PRUDENCE. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.

22-5-4 OBJECTIVE. The primary objective, in order of priority, shall be:

(A) **Legality.** Conformance with federal, state and other legal requirements.

(B) **Safety.** Preservation of capital and protection of investment principal.

(C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.

(D) **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the City's needs for safety, liquidity, rate of return, diversification and its general performance.

22-5-5 DELEGATION OF AUTHORITY. Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

22-5-6 ETHICS AND CONFLICTS OF INTEREST. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-5-7 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS. The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

22-5-8 AUTHORIZED AND SUITABLE INVESTMENTS. Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-5-9 COLLATERALIZATION. Collateralization may be required, at the discretion of the City, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

22-5-10 SAFEKEEPING AND CUSTODY. All security transactions, including collateral for repurchase agreements, entered into by the City, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third-party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-5-11 DIVERSIFICATION. The City shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-5-12 MAXIMUM MATURITIES. To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

Reserve funds may be invested in securities exceeding **two (2) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

22-5-13 INTERNAL CONTROL. The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

(A) Control of collusion.

(B) Separation of transaction authority from accounting.

(C) Custodial safekeeping.

(D) Written confirmation of telephone transactions for investments and wire transfers.

22-5-14 PERFORMANCE STANDARDS. The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-5-15 REPORTING. The Treasurer shall prepare an investment report at least monthly. The report should be provided to the City Council 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 City Council. A statement of the market value of the portfolio shall be issued to the City Council quarterly.

22-5-16 INVESTMENT POLICY ADOPTION AND MODIFICATION. The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

ARTICLE VI – ETHICS CODE

22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 **(5 ILCS 430/5-15)** and Article 10 **(5 ILCS 430/10-10 through 10-40)** of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City 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 City, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the City, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the City, 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 City 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 City.

(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 City 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 City.

ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 ADOPTION OF CODES. The City hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K) **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-7-2 NON-DISCRIMINATORY PRACTICES. The City will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-7-3 CONTRACTING WITH NON-COMPLAINTS. The City will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(A) The City will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

(1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

(a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.

(b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.

(c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.

(d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.

(e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.

(f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of

investigation to ascertain compliance with the Act and the Department's Rules and Regulations.

(g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-7-4 OUTREACH TO ALL. The City assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-7-5 MINORITY HIRING. Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the City as well as surrounding areas.

22-7-6 ACCOMMODATIONS FOR DISABLED. The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-7-7 COMPLIANCE BY EMPLOYEES. All City employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out City program activities.

22-7-8 DESIGNATED ENFORCERS. The City designates the Mayor and the City Council to carry out the EEO/AA plan.

ARTICLE VIII – POLICY PROHIBITING SEXUAL HARASSMENT

22-8-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this City to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-8-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(1) Submission to such conduct is made a term or condition of an individual's employment, either explicitly or implicitly; or

(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, but is not limited to:

(1) **Verbal Harassment.** Sexual innuendoes, suggestive comments, insults, humor, jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements of a sexual nature about other employees, even outside of their presence.

(2) **Non-verbal Harassment.** 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 Harassment.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

(5) **Textual/Electronic Harassment.** "Sexting" (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and posts on social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

22-8-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

(1) **Electronic/Direct Communication.** If there is sexual harassment 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 city manager or administrator, or the chief executive officer of the Municipality.

The employee experiencing what she/he believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.

(3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **three hundred (300) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within **three hundred (300) days**.

(4) **Allegations Made Against an Elected Official by Another Elected Official.** In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the city manager or administrator or the chief elected official of the municipality. The official receiving the request shall take immediate action in keeping with the procurement process of the municipality to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-8-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal office shall take any retaliatory action against any municipal employee or official due to a municipal employee's or official's:

(1) Disclosure or threatened disclosure of any violation of this policy; or

(2) Providing information related to an investigation or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or

(3) Assistance with 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 or official'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)** provide whistleblower protection from retaliatory action, and this policy prohibits 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, agency or other employee that the employee reasonably believes is in violation of a law, rule, or regulation; or

(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, agency or other employee; or

(3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.

(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, 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 within **three hundred (300) days** of the alleged retaliation.

22-8-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT. In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, 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 disciplinary actions or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-8-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping 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 disciplinary action 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 Illinois 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.

(In Part Ord. No. 693-20; 07-29-20)

ARTICLE IX – STANDARDS OF ETHICAL CONDUCT TO ADDRESS FRAUD, WASTE AND ABUSE

22-9-1 POLICY. In the spirit of sound and ethical governance and other applicable laws and regulations, the City believes that the ethical conduct of those in public service is of utmost importance. This policy is set forth in order to address fraud, waste and abuse in City government and establishes reasonable standards of ethical conduct for all City employees and officers. It is the intent of this policy to establish minimum expectations relative to employee and officer behavior and conduct in the execution of their duties as representatives of the City.

22-9-2 SCOPE. This policy applies to all City employees and officers (hereinafter "employees"). This policy is not intended to be all-inclusive or address every possible eventuality or circumstance. Instead, it is intended to establish reasonable standards and provide guidance relative to the ethical conduct of City employees while fulfilling the expectations of City residents.

22-9-3 INTERPRETATION. This policy does not supplant any of the City's labor contracts or Memoranda of Understanding (MOUs). Should this policy conflict with any law, regulation, or labor contract of which the City or its employees may be subject, that law, regulation, or contract shall take precedence. In the event this policy conflicts with any precedent or past practice of the City, management will resolve that conflict by means consistent with established procedures or practices.

22-9-4 DEFINITIONS.

(A) **Fraud, Waste and Abuse.** Any illegal, wasteful, or improper activity involving City assets or resources. It includes theft by means of deception, deceit or trickery; willful misrepresentation to obtain something of value; and the extravagant, careless or needless expenditure or consumption of City resources, whether intentional or not.

(B) **Fraud.** Theft by means of deception, deceit or trickery. Examples include but are not limited to forging or altering a City warrant or check; charging personal expenses to the City; or claiming overtime when not worked.

(C) **Waste.** The unnecessary or pointless consumption of resources, time or labor. Examples include but are not limited to using more of something when less will do; performing tasks that do not need to be performed; or maintaining excessive inventories.

(D) **Abuse.** Misuse of power, authority or control. Examples include but are not limited to using one's authority to direct employees to perform non-City related work; causing employees to work overtime without compensation; or using City assets for non-City business without proper permission.

Additional definitions of terms to fraud, waste and abuse include:

(E) **Asset.** Anything of value, whether tangible or intangible. Examples include, but are not limited to cash, tools, equipment, fuel, office supplies and time.

(F) **Conflict of Interest.** Any circumstance in which the interests, duties, obligations or activities of an employee or an employee's immediate family member are in conflict or incompatible with the interests of the City, the duties and obligations of the employee, or his or her capacity as an employee. Examples include but are not limited to: City employees bidding on City contracts; influencing City policy or activities for personal gain; or disclosing confidential City information to a friend or relative in order to assist them or benefit themselves.

(G) **Employee.** Any individual classified by the City as a full-time, part-time, seasonal, temporary full-time, temporary part-time, or per diem employee or officer of the City.

(H) **Gifts.** Any payment or item that gives a personal benefit to the recipient to the extent that something of equal or greater value is not received and includes a discount or rebate, unless the discount or rebate is available to all members of the public.

(I) **Immediate Family.** A spouse or dependent child of the employee.

(J) **Reasonable Person.** Any person of average competence and ability to reason.

(K) **Third Party.** Any person or entity other than an employee of the City or the City itself.

22-9-5 EXPECTATIONS. City employees shall adhere to and uphold this policy both in practice and in spirit. It is expected that employees act in the public's interest first and not their own. It is further expected that their behavior, both on the job and off, reflects positively on the City, its reputation, and its employees. Pursuant to this policy, an employee's duties and responsibilities include, but are not limited to:

(A) **Duty to Protect the Reputation of the City.** It is the duty of every employee to uphold and protect the good reputation of the City and his or her fellow workers.

(B) **Duty to Obey the Law.** It is the responsibility of every employee to obey the law in the execution of his or her duties. Ignorance of the law or a particular regulation may not be considered an excuse for committing a violation or oversight.

(C) **Duty to Comply with City Policies.** It is the responsibility of every employee to comply with all City policies.

(D) **Conflicts of Interest Must be Avoided.** In the broadest sense of the meaning, no employee shall engage in a behavior that may appear to be or give rise to a conflict of interest between him or herself and that employee's official capacity or duties. Should a conflict of interest arise, the employee involved shall report it in the manner described below.

(E) **Disqualification from Acting on City Business.** An employee shall disqualify him or herself and shall not act on any matter in which he or she, a member of his or her immediate family, or another employer of the employee has a financial interest.

(F) **Prohibition of Certain Financial Interest or Activity.** No employee, regardless of any prior disclosure, who has a material interest, personally or through a member of his or her immediate family, in any business entity doing or seeking to do business within the City shall influence or attempt to influence the selection of the business entity or the making of a contract between such business entity and the City. Employees may not have financial interests in contracts.

(G) **Solicitation of Gifts or Loans is Prohibited.** No employee shall solicit anything of monetary value (even such things which might be returned or repaid) if it would appear to have been solicited with intent of obtaining something in return. Nothing shall prohibit contributions of gifts including political contributions, which are reported in accordance with applicable law or which are accepted on behalf of the City.

(H) **Gifts in Excess of the $300 Annual Gift Limitation Amount are Prohibited.** No employee or family member of an employee shall accept gifts that exceed an aggregate value of the adjusted annual gift limitation amount in accordance with Government Code in any **twelve (12) consecutive months** from an individual or entity that is doing business with the City.

(I) **Improper Disclosure of Privileged, Personal or Confidential Information.** Unless expressly authorized, no employee shall intentionally disclose privileged, personal or confidential information obtained as a result of, or in connection with, his or her employment with the City for any purpose. Privileged, personal or confidential information does not include information that is a matter of public knowledge or that is available to the public on request. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state and federal constitutions as well as labor or other applicable laws.

(J) **Improper Using One's City Employment.** No employee shall use or permit the use of any City assets for a non-City purpose that is for the private benefit of the employee or any other person unless available on equal terms to the general public.

(K) **Improper Influence.** No employee, except in the course of his or her official duties, shall assist any person in any transaction with the City when such employee's assistance would appear to a reasonable person to be enhanced by that employee's position with the City for their own personal benefit. This subsection shall not apply to any employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest, if not otherwise prohibited by law.

(L) **Duty to Identify, Report and Work to Eliminate Fraud, Waste and Abuse.** It is the responsibility and duty of every employee to identify, report and work to eliminate fraud, waste and abuse at all levels of the City administration and operations. Employees are encouraged to bring to the attention of management any opportunity to reduce or eliminate fraud, waste and abuse.

(M) **Duty to Cooperate.** It is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the City's request, an employee will participate and fully cooperate in any investigation. This policy does not preclude an employee from exercising his or her Constitutional rights or those afforded to him or her by a City recognized labor contract. However, the exercising of one's rights does not preclude City from disciplining an employee for his or her failure to participate or cooperate in an investigation if the City may lawfully do so.

(N) **Handling of Anonymous Complaints or Allegations of Violations of this Policy.** Employees are prohibited from attempting to identify or intentionally exposing the identity of any party making an anonymous report or complaint pursuant to this policy.

22-9-6 REPORTING. Employees are expected to report all violations or suspected violations of this policy to management in a timely and professional manner. The City recognizes that the reporting party may desire or require anonymity. Thus, anonymous reports or concerns may be reported by any party to the City President or the City Trustees. It is the duty of every employee to report any known violation of this policy or what would appear to a reasonable person to be a violation of this policy. Employees are reminded that they may report anonymously any actions that detract from the efficiency and effectiveness of City operations include, but not limited to, fraud, waste, abuse, ethics violations, retaliation, discrimination and safety violations. It is a violation of this policy to retaliate against an employee who makes a report anonymously under Illinois Labor Code. The Illinois State Attorney General's Whistleblower Hotline number is (888) 814-4646.

22-9-7 INVESTIGATION AND ENFORCEMENT. All violations or alleged violations of this policy will be investigated. As stated above, it is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the request of the City, an employee will participate and fully cooperate in any investigation, whether conducted by the City or its agent(s). If as a result of good faith investigation and a resultant reasonable conclusion that a violation of this policy has occurred, the offending employee may be subject to disciplinary action up to and including termination.

ARTICLE X – WHISTLEBLOWER PROTECTION POLICY

22-10-1 PURPOSE. The City provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must submit a written report to the Auditing Official within **sixty (60) days** of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

22-10-2 DEFINITIONS.

(A) **Whistleblower** means an employee, as defined in this Section, of the City who:

(1) reports an improper governmental action as defined under **50 ILCS 105/4.1** (hereinafter Section 4.1);

(2) cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,

(3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(B) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the City whose duties may include receiving, registering, and investigating complaints and information concerning misconduct, inefficiency and waste within the City; investigating the performance of officers, employees, functions and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the City.

The Auditing Official shall be the Mayor until replaced by the City.

(C) **Employee** means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1.

(D) **Improper governmental action** means any action by an employee of the City; an appointed member of a board, commission, or committee; or an elected official of the City that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's or committee member's official duties to be subject to claim of "improper governmental action."

(1) Improper governmental action does not include the City's personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(E) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under Section 4.1. Retaliatory action includes, but is not limited

to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantial letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under Section 4.1.

22-10-3 DUTIES OF AN AUDITING OFFICIAL. Each Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints filed under Section 4.1. Each Auditing Official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures, and all other provisions of Section 4.1.

The Auditing Official must provide each employee a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

22-10-4 DUTIES OF AN EMPLOYEE. All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

22-10-5 DEFEND TRADE SECRETS ACT (18 U.S.C. § 1836) COMPLIANCE. Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(A) **Immunity.** An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that (1) is made (a) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (b) solely for the purpose of reporting or investigating a suspected violation of law; or, (2) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(B) **Use of Trade Secret Information in Anti-Retaliation Lawsuit.** An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual (1) files any document containing the trade secret under seal; and (2) does not disclose the trade secret, except pursuant to court order."

22-10-6 EMPLOYEE ACKNOWLEDGEMENT. Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the City. The form that follows on **Addendum "A"** will satisfy this requirement upon receipt.

ARTICLE XI – DRUG/ALCOHOL TESTING POLICY AND PROCEDURE

22-11-1 DRUG AND ALCOHOL-FREE WORKPLACE POLICY. The City is committed to maintaining a drug free workplace pursuant to the federal and state Drug Free Workplace Acts, 41 U.S.C.A. § 701 *et seq.*, **30 ILCS 580/1 *et seq.*** It is the policy of the City that the public has the reasonable right to expect persons employed by the City to be free from the effects of alcohol and drugs. The City, as the employer, has the right to expect its employees to report for work fit and able for duty. This policy is intended to ensure that City employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner and to protect any such employee and the public from the risks associated with the adverse effects of drugs and alcohol. Accordingly, the unlawful manufacture, distribution, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited in the workplace or while acting on behalf of the City. Employees are required to sign a release and consent/authorization form, a copy of which is included with this policy, at the time the policy is distributed to the employee.

22-11-2 DEFINITIONS. For purposes of this policy, the following definitions apply:

(A) **"Abuse of alcohol"** or **"being under the influence of alcohol"** means the consumption of any beverage, mixture or preparation, including any medication containing alcohol, which results in an employee being intoxicated. Intoxicated or a positive test for alcohol shall mean a test result which shows an alcohol concentration of .02 or more for all persons covered by Federal DOT regulations and .08 or more for all persons not covered by Federal DOT regulations.

(B) **"Abuse of any drug"** means the use of any illegal drug, the use of any prescription drug which has not been legally prescribed and dispensed, or the misuse of any legally prescribed drug.

(C) **"Drug"** means any controlled substances listed in the Federal Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, or the Illinois Controlled Substances Act, **720 ILCS 570/100 *et seq.***, and cannabis as defined in the state Cannabis Controlled Act, **720 ILCS 550 *et seq.***

22-11-3 PROHIBITED ACTIONS. Employees shall be prohibited from:

(A) Manufacture, distribution, dispensation, possession, use, sale, purchase, abuse of alcohol or being under the influence of alcohol at any time during the course of the employee's workday or anywhere on or in any City-owned property, including City buildings and City-owned vehicles.

(B) Manufacture, distribution, dispensation, possession, use, sale, purchase, being under the influence of or abuse of any drug at any time and at any place.

(C) Failure to immediately disclose to his or her Department Head or immediate supervisor any drug or other medication-related work restrictions, or failure to disclose the taking of any drug or medication whose container has warnings that such drug or medication may affect any such employee's ability to perform his or her job, or to drive or operate machinery.

(D) Testing positive for any drug or for the abuse of alcohol or being under the influence of any drug and/or alcohol during working hours.

(E) Failure to comply with this policy.

(F) Refusal to submit to any drug or alcohol test under this policy, which shall also include, but not be limited to, any attempt to tamper with or substitute any sample to be used in connection with any such test.

22-11-4 APPLICABILITY. This Drug/Alcohol Testing Policy and Procedure is not intended to replace the Drug Free Workplace Programs but to define and clarify who will be tested, when the employees will be tested and where employees will be tested. The following

four employee categories define under which category each full time, part time/temporary and volunteer employee will be tested:

(A) Any employee who drives a City vehicle, tractor, tractor mower or similar motor-powered equipment that moves under its own power will be tested under the Federal DOT testing standards.

(B) Testing for employees of the Police Department shall be controlled by the provisions set forth in their union contract.

(C) All other City employees who are not included within the two categories listed above in (A) or (B) will be subject to testing to comply with the requirements necessary to establish a Drug Free Workplace within the City.

(E) Part time/temporary employees and volunteer employees of the City will remain exempt from pre-employment and random testing as defined in this testing program, but they can be included for testing if reasonable suspicion should arise, or an accident should occur during the tenure of their part time/temporary or volunteer employment. After reasonable suspicion of abuse of drugs or alcohol has been established or an accident should occur, the decision to request a drug and alcohol test for the employee must be deemed necessary and reasonable by the Mayor and/or the supervisor of the employee.

22-11-5 TESTING PROCEDURE. In conducting any drug testing under this policy, the City shall:

(A) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory and Blood Bank Act, **210 ILCS 25/101 *et seq.***, that has been or is capable of being accredited by the National Institute of Drug Abuse ("NIDA").

(B) Ensure that the laboratory or facility selected conforms to all NIDA standards.

(C) Follow all Federal DOT guidelines for the collection, testing and reporting procedures.

(D) In conducting any alcohol testing under this policy, the City shall use a facility that:

(1) Ensures that all technicians are trained, and equipment is calibrated.

(2) Conducts breath test to detect the presence of alcohol or blood tests if circumstances require.

(E) The fees for drug/alcohol testing shall be paid as follows:

(1) Pre-employment testing will be paid by the City.

(2) Post accident tests shall be paid by the City.

(3) Reasonable suspicion testing will be paid by the City.

(4) Random testing will be paid by the City.

(5) Retesting at the request of the employee after a positive drug or alcohol test shall be at the employee's sole expense.

(6) Drug/Alcohol test for renewal of CDL Driver's License shall be paid by the City.

22-11-6 SCREENING AND TESTING.

(A) **Pre-Employment Testing.**

(1) All employee applicants shall be advised of the City Drug/Alcohol testing requirements at the time of interview. After having successfully completed the interview process, the selected prospective full-time employee shall then be required to successfully complete the City's drug screening test, as part of his/her background investigation.

(2) All applicants for full-time employment shall sign a release and consent/authorization form for Drug/Alcohol testing.

(3) An applicant will not be employed or considered for employment if: the test results confirm POSITIVE;

he/she refuses to complete the test;
he/she tampers with, or adulterates the specimen;
he/she fails to cooperate in the testing process (including executing all required documentation).

(B) **Testing Based on Reasonable Suspicion.** If there is a reasonable suspicion that any City employee, paid or volunteer, has violated any of the prohibited actions covered by this policy, such employee may be required to undergo drug and/or alcohol testing. Reasonable suspicion exists if the facts and circumstances warrant a rational inference that an employee has violated any of the acts prohibited by this policy. Reasonable suspicion shall be based upon the following:

(1) Observable phenomena, such as direct observation of use or the verifiable physical symptoms resulting from the abuse of drugs or being under the influence of alcohol which may include by way of example but is not limited to a pattern of abnormal conduct or erratic behavior, a dramatic decline in work performance, excessive sick leave usage, difficulty in walking, slurred speech, needle marks, glazed stare, and possession of alcohol, or unauthorized banned substance or drug paraphernalia at work.

(2) Information provided by an identifiable, reliable and credible third party that an employee has committed any of the acts prohibited by this policy.

In the event reasonable suspicion exists, the City shall arrange for a drug and/or alcohol test. When testing is ordered, the employee may be temporarily reassigned or relieved from duty and placed on leave with pay pending the receipt of the test results by the City. The City shall also provide the employee with written notice setting forth the objective facts and reasonable inferences to be drawn from those facts which form the basis of the reasonable suspicion.

The employee will then be escorted to the testing facility or collection facility by a designated supervisor immediately.

After completing the test, the employee will be escorted to his/her residence or at the option of his/her supervisor to another location to await the test results, and the employee shall be off work with pay pending the results of the tests. Under no circumstances shall the employee be allowed to leave the work site or the test site driving his/her own vehicle or a City vehicle.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(C) **Random Testing.** Random drug testing shall be conducted during working hours. Employees will be selected at random for a drug test by a random drawing/lottery. The testing times and dates are unannounced and are with unpredictable frequency throughout the year.

When testing is ordered, the employee will be directed to the testing facility or collection facility within a reasonable period of time.

After completing the test, the employee will return to work pending the results of the test.

Employees who test positive for drugs will be subject to disciplinary action, up to and including termination.

(D) **Post Accident Testing.** Post accident drug/alcohol testing is required immediately following any accident involving a City employee, paid or volunteer, who operates City equipment or operates a City vehicle where an injury to a person has occurred or where damage to equipment or property has occurred and that damage exceeds **One Hundred Dollars ($100.00)**, based on actual cost or reliable estimates of damage.

When testing is ordered, the employee will be escorted to the testing facility or collection facility by a designated supervisor within a reasonable period of time following the accident.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(E) **Testing Required for Position Required to Have a CDL.** In addition to the provisions of this policy, any employee who is appointed to a position required to have a commercial driver's license ("CDL") shall be subject to drug and/or alcohol screening following

any work-related accident. Mandatory drug screening shall also be required of all applicants chosen to be hired for positions requiring a CDL. Those who fail the pre-employment drug screening shall not be hired for those positions.

22-11-7 CONFIDENTIALITY OF TEST RESULTS. Any employee subject to a drug and/or alcohol test under this policy will be provided a copy of all information and reports received by the City in connection with any drug and/or alcohol test and any results thereof under this policy. Any results of drug and alcohol test will be disclosed to any employee tested, the applicable supervisor, City Attorney and those permitted by law.

22-11-8 CONSEQUENCES OF POSITIVE TEST RESULT OR REFUSAL TO COOPERATE. Any employee who refuses to cooperate in testing or who fails a test or violates the Drug and Alcohol Policy shall be subject to disciplinary action, up to and including termination.

ADDENDUM "A"

EMPLOYEE ACKNOWLEDGEMENT OF WHISTLEBLOWER PROTECTION POLICY

I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of the City.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about this Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official.

Print Name: _____

Employee Signature: _____

Date: _____

Policy

As a Federal Grantee, I hereby notify employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in this workplace. As a condition of employment, employees must abide by this policy.

Drug-Free Awareness

Drug abuse in the workplace has major adverse effects on the welfare of all citizens of the United States, and it results in lost productivity each year. Employees who use illegal drugs have three to four times more accidents while at work.

Employees with drug abuse problems should seek help. Employees desiring more information on the dangers of drug abuse in the workplace and those employees needing drug counseling, rehabilitation, or other employee assistance should contact the local municipal drug administrator.

Employees will be referred to the appropriate resource for available counseling, rehabilitation or other assistance.

Notice of Potential Personnel Actions for Illegal Drug Use On-the-Job

Penalties may be imposed upon employees for drug abuse violations occurring in our workplaces:

1. Employees must notify this employer of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction.
2. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer will take appropriate personnel action against such employee, up to and including termination; or
3. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer may require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

Employee Certification

- ✓ I understand the drug-free workplace policy.
- ✓ I agree, as a condition of my employment, to abide by the terms of this program.
- ✓ I agree to notify this employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

_____ _____

Employee Signature **Date**

Employer Statement

- ✓ I have explained the policy, drug-free awareness, and potential personnel action statements and have provided the employee's part of this pamphlet to the employee.

_____ _____

Authorized Employer Signature **Date**

City of Altamont, Illinois
Name of Organization

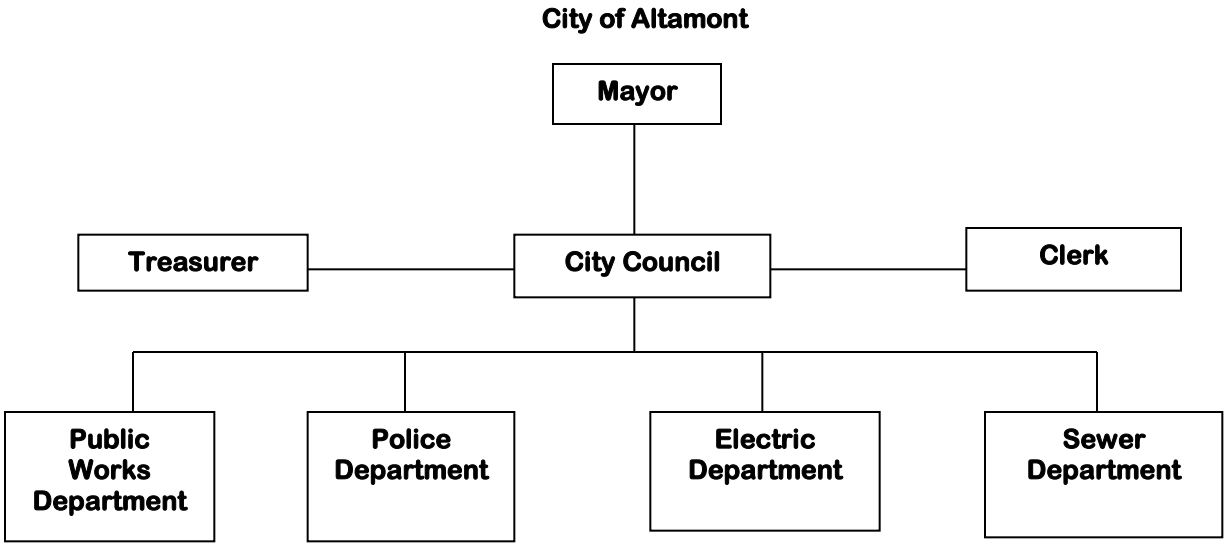
EXHIBIT A

MUNICIPAL INFORMATION DIRECTOR

(ON FILE AT CITY HALL)

EXHIBIT B

SAMPLE BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS



The Freedom of Information Officer(s) for the City is/are:

Sarah Stephen, City Clerk
202 N. Second Street, Altamont
Email: customerservice@altamontil.net
Phone: 618-483-5212
Fax: 618-483-6255

Ellie Buennemeyer, Deputy Clerk
202 N. Second Street, Altamont
Email: customerservice@altamontil.net
Phone: 618-483-5212
Fax: 618-483-6255

EXHIBIT C

MUNICIPAL RECORDS DIRECTORY

City of Altamont

Any person requesting records of the City may make such a request either in person, orally or in writing at the Clerk's office located at 202 N. Second St. Altamont, Illinois. Such a request should be made to City Clerk, Freedom of Information Officer at such address and if he or she is not present in person, you should see Deputy Clerk, Deputy Freedom of Information Officer. Police record requests should be made to the Chief of Police. Another method would be by mailing, faxing or emailing a written request to either City Clerk, Freedom of Information Officer or Deputy Clerk, Deputy Freedom of Information Officer specifying in particular the records requested to be disclosed and copied. All written requests should be addressed to the Freedom of Information Officer at the address of the Clerk's office. Police record requests will be directed to the Chief of Police. If you desire that any records be certified, you must indicate that in your request and specify which records must be certified.

The fees for any such records, if the person requesting the records wishes them to be copied, are as follows:

First 50 pages, black and white, letter or legal-size copies, no cost.

Additional pages, black and white, letter or legal, **actual cost to $0.15** per page.

Electronic records will be formatted subject to reimbursement for costs of recording medium.

Color copies or copies in a size other than letter or legal shall be reimbursed to actual costs.

Costs of certifying a record will be **$1.00**.

Records may be furnished without charge or at a reduced charge, as determined by the City, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

EXHIBIT D

CATALOGING AND INDEXING OF PUBLIC RECORDS

The "type" of records is meant to be a broad general category and the category is a sub-part of the type. For example, one type of record is a financial record. Under "financial records" may be the following categories: (a) budget; (b) appropriation ordinance; (c) audit; (d) bills; (e) receipts for revenue; (f) vouchers; (g) cancelled checks; (h) water bills; (i) sewer bills; (j) electric bills; (k) receipts for fines; (l) sales tax receipts; (m) real estate tax receipts; (n) liquor license fees; (o) other license fees; (p) building permit fees; (q) salary schedules; (r) utility bills (e.g., telephone, gas and electric); (s) etc. This gives you examples of categories that could be listed under the general type "financial record". Other general types could include, for example, the following: (1) administrative memoranda; (2) building permits; (3) board minutes; (4) resolutions; (5) ordinances; (6) correspondence received by municipality; (7) bidding specifications; (8) board policies; (9) administrative rules and regulations; (10) personnel code; (11) city maps; (12) comprehensive plan; (13) zoning ordinance; (14) building ordinance; (15) personnel files; (16) office equipment; (17) insurance; (18) capital equipment; (19) real estate; (20) legal notices; (21) consulting contracts; (22) contracts for capital equipment; (23) contracts for office supplies; (24) contracts for maintenance and repair; (25) professional consultant contracts; (26) worker's compensation records; (27) training records; (28) official bonds; (29) city vehicles; (30) city liens; (31) police department records; (32) etc.

ATTACHMENT A

What does the City of Altamont do with your Social Security Number?

Statement of Purpose for Collection of Social Security Numbers
Identity-Protection Policy

The Identity Protection Act, **5 ILCS 179/1 et seq.**, requires each local and State government agency to draft, approve, and implement an Identity-Protection Policy that includes a statement of the purpose or purposes for which the agency is collecting and using an individual's Social Security Number (SSN). This statement of purpose is being provided to you because you have been asked by the City of Altamont to provide your SSN or because you requested a copy of this statement.

Why do we collect your Social Security Number?

You are being asked for your SSN for one or more of the following reasons:

- Complaint mediation or investigation;
- Crime victim compensation;
- Vendor services, such as executing contracts and/or billing;
- Law enforcement investigation;
- Child support collection;
- Internal verification;
- Administrative services; and/or
- Other: _____

What do we do with your Social Security Number?

- We will only use your SSN for the purpose for which it was collected.
- We will not:
  - Sell, lease, loan, trade, or rent your SSN to a third party for any purpose;
  - Publicly post or publicly display your SSN;
  - Print your SSN on any card required for you to access our services;
  - Require you to transmit your SSN over the Internet, unless the connection is secure or your SSN is encrypted; or
  - Print your SSN on any materials that are mailed to you, unless State or Federal law requires that number to be on documents mailed to you, or unless we are confirming the accuracy of your SSN.

Questions or Complaints about this Statement of Purpose

Write to the City of Altamont:

City of Altamont
Attn: City Clerk
202 North Second St.
Altamont, Illinois 62411-1402

EXHIBIT 1

IDENTITY THEFT PROGRAM ACKNOWLEDGEMENT

I hereby state and acknowledge that I have received a copy of the Identity Theft Program adopted by the Altamont City Council, that I am responsible for reviewing, understanding and complying with this Program, and that I understand that any violation of the City of Altamont identity theft procedures may result in disciplinary action up to and including dismissal.

_____ _____

Signature Date

_____

Print Name

WITNESSED:

PROGRAM ADMINISTRATOR

_____ _____

Signature Date

_____

Print Name

CHAPTER 23 – MANUFACTURED HOUSING CODE

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

CHAPTER 23

MANUFACTURED HOUSING CODE

ARTICLE I – GENERAL PROVISIONS

23-1-1 DEFINITIONS. The terms used in this Code shall have the following meanings:

"AFFIDAVIT" means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

"APPLICANT" means any person making an application for a license or permit.

"CORPORATE AUTHORITIES" shall mean the Mayor and the City Council.

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

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

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

"MANUFACTURED HOME" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976,** in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974".** Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior taillight end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a **"manufactured home"** but shall be an "**immobilized manufactured home".** A manufactured home should not be confused with a "**camping trailer"** or **"recreational vehicle". (See 210 ILCS Sec. 115/2.10)**

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

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

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

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

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

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

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

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

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

"MOBILE HOME" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **"mobile home"** shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**.

"MODULAR HOME": A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (IBC). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

"OWNER" or "OPERATOR" means the licensee.

"PERMANENT FOUNDATION": A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

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

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

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

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

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

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

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

23-1-2 MANUFACTURED HOUSING ACT ADOPTED. The **Illinois Manufactured Housing and Manufactured Home Act, as passed and approved by the Illinois General Assembly** is hereby adopted by the City, the applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the City. **(See 430 ILCS Sec. 115/1 et seq.)**

23-1-3 NATIONAL SAFETY STANDARDS. No manufactured home or immobilized manufactured home shall be located in the City unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto.

23-1-4 SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit.

23-1-5 FIRE EXTINGUISHERS. All manufactured housing units located in the City shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the manufactured housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation of the manufactured home. **(See 425 ILCS Secs. 60/1-60/4)**

23-1-6 INSPECTION. All Manufactured Housing units located in the City shall be subject to reasonable inspection by an official or officials designated by the City Council.

23-1-7 OFF-STREET PARKING. Every owner of a manufactured housing unit shall provide for an off-street parking area of **four hundred (400) square feet.**

23-1-8 PROHIBITED RESIDENTIAL USES.

(A) **Dependent Manufactured Home.** It shall be unlawful to locate a dependent manufactured home in the City unless placed in a state-licensed travel trailer park.

(B) **Independent Travel Trailer.** It shall be unlawful to reside in an independent travel trailer in the Municipality unless it is located in a state-licensed travel trailer park.

(C) **Manufactured Home.** It shall be unlawful to locate a mobile home or a manufactured home in a state-licensed travel trailer park without written permission of the City Council or the Zoning Board.

23-1-9 CARBON MONOXIDE ALARM DETECTORS. Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. **(See 430 ILCS 135/1 et seq.)**

23-1-10 SMOKE AND FIRE DETECTORS. Each unit shall be equipped with smoke and fire detectors as prescribed by state statute.

ARTICLE II - IMMOBILIZED MANUFACTURED HOMES

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

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

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

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

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

ARTICLE III - MANUFACTURED HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

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

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

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

(C) **This Code.**

(D) Zoning Code.

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

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

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

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

23-3-4 PERMITS. The Plan Commission or the City Council shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **"Manufactured Home Community Code",** as approved by the **Illinois Department of Public Health,** the City Council or its designee may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

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

23-3-6 VIOLATION PROCEEDINGS. Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the City pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in

such notice within **five (5) days** or within a longer period of time as may be allowed by the City Council. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

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

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

DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS

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

23-3-11 APPLICATION.

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

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

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

(2) The proposed method of lighting the structures and land upon which the manufactured home park is to be located.

(3) The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

(4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

(5) Each application shall be accompanied by an application fee of **Three Hundred Dollars ($300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars ($150.00)** for a permit to alter to increase the size of the park.

23-3-12 LOCATION.

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

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

23-3-13 ROADWAYS AND PARKING.

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

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

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

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

23-3-14 - 23-3-16 RESERVED.

DIVISION III - GENERALLY

23-3-17 LOT SIZE. The minimum lot size for a manufactured home pad shall be **eight thousand (8,000) square feet,** with a minimum frontage of **fifty (50) feet.**

23-3-18 MISCELLANEOUS RESTRICTIONS.

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

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

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

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

DIVISION IV - FEES

23-3-21 LICENSE FEE. The annual license fee per manufactured home park shall be **Fifty Dollars ($50.00),** and shall be due and payable **on or before May 1st of each year.** The City Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1st.**

(Execute in Duplicate) Application No. _____

APPLICATION FOR BUILDING AND MANUFACTURED HOME OCCUPANCY PERMIT

Office of the Mayor
City Hall
Altamont, Illinois

Application No. _____

DATE: _____, _____

(DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY)

DATE: _____, ___

PERM. PARCEL _____ _____ _____ _____ _____

[ ] Permit Issued
[ ] Permit Denied
[ ] Application Appealed

Fee Paid to City Clerk:

$_____ DATE: _____, ____

IF DENIED, CAUSE OF DENIAL:

_____

_____

INSTRUCTIONS TO APPLICANT: All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the City Hall for any assistance needed in completing this form.

1. Name of Owner(s): _____
   (Attach additional sheets if necessary)
   Address: _____ PHONE: _____
   (ZIP CODE)
2. Applicant's Name: _____ PHONE: _____
   Address: _____
   (ZIP CODE)
3. Property interest of applicant: _____
   (Contract Purchaser, Etc.)
4. Address of proposed construction or manufactured home: _____
   _____
5. Legal Description (Lot, Block, and Subdivision; attach metes and bounds description, if necessary).
   _____
   _____
   Cost of Improvement: $_____ Square feet of Improvement _____
6. Proposed construction (check one or more, as necessary):
   [ ] New Building Type: _____Brick/Frame Number of Rooms _____
   [ ] Alterations or additions to existing buildings (explain): _____
   _____
7. Use of existing and proposed structures (if applicable):
   Existing Use: _____
   Proposed Use: _____
8. Two (2) copies of a sketch plat (drawn to approximate scale shall be attached, showing the following:
   a) Dimensions and use of all buildings;
   b) Dimensions of lot;
   c) Distance of each building from lot lines;
   d) Distance of principal building from principal buildings on adjacent lot(s);
   e) Distance between accessory buildings and principal buildings;
   f) Distance from lot line to center line of abutting street(s);

g) Location [with dimensions] of driveways and off-street parking spaces;
h) Location of all easements;
i) Location of all underground utilities, including septic tanks, tile fields, and wells.

9. Application is hereby made for an Occupancy Permit as required under the City Code for the erection, moving, or alteration and use of buildings and manufactured homes. In making this application, the applicant represents all of the above statements and any attached maps and drawings to be a true description of the proposed new or altered uses and/or buildings. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach of representation or conditions. **(See Chapter 23)**

It is understood that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the City Code, or by other ordinances, codes, or regulations of the City.

APPLICANT: _____

CERTIFICATE OF OCCUPANCY

The plans and specifications submitted with this Application are in conformity with the district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the City Council.

Failure to comply with the above shall constitute a violation of the provisions of the **Revised Code of Ordinances of the City.**

DATE: _____, ___ _____
BUILDING OFFICIAL

CHAPTER 24 – MOTOR VEHICLE CODE

ARTICLE			TITLE	PAGE
I	DEFINITIONS			
	Section 24-1-1	-	Illinois Vehicle Code; Definitions Adopted	24-1
II	GENERAL REGULATIONS			
	Section 24-2-1	-	Obedience to Police	24-1
	Section 24-2-2	-	Scene of Fire	24-1
	Section 24-2-3	-	Signs and Signals	24-1
	Section 24-2-4	-	Unauthorized Signs	24-1
	Section 24-2-5	-	Interference with Signs or Signals	24-1
	Section 24-2-6	-	Advertising Signs	24-2
	Section 24-2-7	-	Animals or Bicycles	24-2
	Section 24-2-8	-	Bicycle Lamps, Reflectors and Equipment	24-2
	Section 24-2-9	-	Regulation of Skateboards, In-Line Skates (Rollerblades or Rollerskis) and Rollerskates	24-2
	Section 24-2-10	-	Prohibiting Hitchhiking	24-2
III	STOP AND THROUGH STREETS			
	Section 24-3-1	-	Through Streets	24-3
	Section 24-3-2	-	One-Way Streets or Alleys	24-3
	Section 24-3-3	-	Stop Streets	24-3
	Section 24-3-4	-	Yield Right-of-Way Streets	24-3
	Section 24-3-5	-	Posting Signs	24-3
IV	DRIVING RULES			
	Section 24-4-1	-	Illinois Vehicle Code; Rules of the Road Adopted	24-4
	Section 24-4-2	-	Driving Rules	24-4
	Section 24-4-3	-	Duty to Report Accident	24-5
	Section 24-4-4	-	Transporting Liquor in Vehicles	24-5
	Section 24-4-5	-	Excessive Noise – Stopped Vehicle	24-5
	Section 24-4-6	-	Excessive Noise – Wheels	24-5
	Section 24-4-7	-	Excessive Noise – Squealing Tires	24-5
	Section 24-4-8	-	Reckless, Negligent or Careless Driving	24-5
	Section 24-4-9	-	Excessive Noise While Driving	24-5
	Section 24-4-10	-	Vehicles Prohibited	24-5
	Section 24-4-11	-	Electronic Communication Devices	24-6
V	EQUIPMENT OF VEHICLES			
	Section 24-5-1	-	Illinois Vehicle Code; Equipment of Vehicles Adopted	24-7
	Section 24-5-2	-	Muffler	24-7
	Section 24-5-3	-	Sound Amplification Systems	24-7
	Section 24-5-4	-	Excessive Engine Braking Noise Prohibited	24-7
VI	PARKING RULES			
	Section 24-6-1	-	Time Limit Parking	24-8
	Section 24-6-2	-	Parking for Sale, Repair or Peddling Prohibited	24-8
	Section 24-6-3	-	Private Property	24-8

ARTICLE		TITLE	PAGE
VI		PARKING RULES (CONTINUED)	
	Section 24-6-4	- Stopping, Standing or Parking in Specified Places	24-8
	Section 24-6-5	- Load Limits	24-10
	Section 24-6-6	- Towing Cars Away	24-10
	Section 24-6-7	- Parking Violations	24-10
	Section 24-6-8	- Prima Facie Proof	24-10
VII		SKATEBOARDS AND OTHER HUMAN-POWERED VEHICLES	
	Section 24-7-1	- Definitions	24-11
	Section 24-7-2	- Operation and Uses	24-11
	Section 24-7-3	- Permitting Violations	24-11
	Section 24-7-4	- Impoundment and Forfeiture	24-11
	Section 24-7-5	- Penalty for Violation	24-11
VIII		GOLF CARTS AND NEIGHBORHOOD VEHICLES	
	Section 24-8-1	- Definitions	24-12
	Section 24-8-2	- Requirements	24-12
	Section 24-8-3	- Additional Requirements	24-12
	Section 24-8-4	- Drivers and Passengers	24-12
	Section 24-8-5	- Operation of Golf Cart or Neighborhood Vehicle	24-13
	Section 24-8-6	- Restricted Streets	24-13
	Section 24-8-7	- Permits	24-13
IX		BICYCLES, E-SCOOTERS, AND MOTORIZED PEDALCYCLES	
	Section 24-9-1	- Application of Rules	24-15
	Section 24-9-2	- Traffic Laws Apply to Persons Riding Bicycles, Pedalcycles, or Micromobility Vehicles	24-15
	Section 24-9-3	- Riding on Bicycles, Pedalcycles, or Micromobility Vehicles	24-16
	Section 24-9-4	- Unsafe Operations	24-16
	Section 24-9-5	- Position of Bicycles, Pedalcycles, and Micromobility Vehicles on Roadways; Riding on Roadways and Bicycle Paths	24-16
	Section 24-9-6	- Riding Bicycles, Motorized Pedalcycles, and Micromobility Vehicles on Roadways	24-16
	Section 24-9-7	- Carrying Articles	24-16
	Section 24-9-8	- Lamps and Other Equipment on Bicycles	24-17
	Section 24-9-9	- Bikeway Network	24-17
	Section 24-9-10	- Bicycles and Micromobility Vehicles on Sidewalks	24-17
	Section 24-9-11	- Multi-Use Path Designation	24-17
	Section 24-9-12	- Motor Vehicles Prohibited on Multi-Use Paths	24-17
	Section 24-9-13	- Regulating Traffic on Multi-Use Paths	24-18
	Section 24-9-14	- Emerging From Multi-Use Paths	24-18
	Section 24-9-15	- Shared Micromobility Service Permit	24-18
	Section 24-9-16	- Code of Conduct	24-18
	Section 24-9-17	- Penalties for Violation of This Chapter	24-18

ARTICLE		TITLE	PAGE
Exhibit "A"	-	Vehicles Prohibited	24-20
Exhibit "A-1"	-	Restricted Streets	24-21
Exhibit "A-2"	-	Permit Application	24-22
Exhibit "A-3"	-	Golf Cart or Neighborhood Vehicle Inspection Report	24-23
Exhibit "A-4"	-	Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant to Sue	24-24
Schedule "A"	-	Stop Intersections	1
Schedule "B"	-	One-way Streets and Alleys	4
Schedule "C"	-	Yield Right-of-way Intersections	5
Schedule "E"	-	No Parking Zones	8
Schedule "F"	-	Limited Parking	9
Schedule "H"	-	Handicapped Parking Zones	10
Schedule "J"	-	Load Limit	10
Schedule "K"	-	Unloading Zones	11
Schedule "S"	-	No Skateboarding Area	11

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 City, the provisions thereof shall be controlling within the corporate limits of the City. **(See 625 ILCS 5/20-204)**

ARTICLE II - GENERAL REGULATIONS

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

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

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

24-2-4 UNAUTHORIZED SIGNS. No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person or place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

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

24-2-6 ADVERTISING SIGNS. It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council 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 Chapters 27 and 33) (Also See Chapter 40 - Zoning Code)**

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

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

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

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

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

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

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

24-2-10 PROHIBITING HITCHHIKING.

(A) No person shall stand in or on a public road or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle. The provisions hereof shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, not to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(B) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 THROUGH STREETS. The streets and parts of streets of the City 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 "J"** for the designated one-way streets and alleys. **(See 625 ILCS 5/11-208)**

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

24-3-4 YIELD RIGHT-OF-WAY STREETS. The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "D")**

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

ARTICLE IV - DRIVING RULES

24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED. The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 5/11-100 et seq.**, entitled **"Rules of the Road",** as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City. **(See 625 ILCS 5/20-204)**

24-4-2 DRIVING RULES.

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

(B) **Street Racing.** No person shall participate within the City in street racing as such activity is defined by **625 ILCS 5/11-506.**

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

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

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

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

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **Schedule "G"** shall list the applicable streets that have specific speed limits thereon. **(See 625 ILCS 5/11-604)**

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

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

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

to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the City has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

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

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

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

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

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

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

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

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

24-4-10 VEHICLES PROHIBITED. The operation of motorized vehicles on the former Prairie Trunk Line Railroad Right of Way, as more particularly described in attached Exhibit A, is hereby prohibited. The term “motorized vehicle” shall include every motorized device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moving by human power or used exclusively upon stationary rails or tracks.

The restrictions contained in this Section shall not apply to the operation of vehicles being utilized for maintenance purposes on such right of way.

24-4-11 ELECTRONIC COMMUNICATION DEVICES. As defined in this Section, "electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or device that is physically or electronically integrated into the motor vehicle.

(A) **Prohibited Use.** A person may not operate a motor vehicle on any street or other public way while using an electronic communication device. The term "use" shall include without limitation:

(1) Talking or listening to another person on the telephone;
(2) Text messaging;
(3) Sending, reading or listening to an electronic message;
(4) Browsing the internet.

(B) **Exemptions.** This Section does not apply to:

(1) A law enforcement officer or operator of emergency vehicle while performing his or her official duties;
(2) A driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during an emergency situation;
(3) A driver using an electronic communication device in a hands-free or voice operated mode, which may include the use of a headset;
(4) A driver of commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed **ten (10) inches** tall by **ten (10) inches** wide in size;
(5) A driver using an electronic communication device while parked on the shoulder of a roadway;
(6) A driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;
(7) A driver using two-way or citizens band radio services;
(8) A driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in amateur radio service;
(9) A driver using an electronic communication device by pressing a single button to initiate or termination a voice communication;
(10) A driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal assistant for a purpose that is not otherwise prohibited in this Section.

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12,** entitled **"Equipment of Vehicles",** as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City. **(See 625 ILCS 5/20-204)**

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

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

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

ARTICLE VI - PARKING RULES

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

24-6-2 PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED. 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; or

(C) peddling merchandise.

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

24-6-4 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

(A) Except when necessary, to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

(1) **Stop, Stand or Park a Vehicle:**
- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (b) On a sidewalk.
- (c) Within an intersection.
- (d) On a crosswalk.
- (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (h) On any railroad tracks.
- (i) At any place where official signs prohibit stopping. **(See Schedule "F")**
- (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. **(See Schedule "G")**

(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" and "F" shall list all applicable no-parking zones.

(D) **Parking of a Commercial Vehicle.** No person shall park or stand a commercial vehicle with weight in excess of **four (4) tons** on any part of street or alley and/or any residentially zoned area except for the purpose of making a delivery or pick up of merchandise or material in which event such standing or parking shall be permitted for a period not to exceed **one (1) hour**. However, trucks engaged in the transporting of household possessions of persons moving into or out of a dwelling unit within the City shall be permitted to park or stand for a period not to exceed **six (6) hours** in the street on which the dwelling is located. However, tractors (cab) may be parked or stand on privately owned property within a residentially zoned area if no part of the tractor (cab) is on the street, sidewalk or any part of the public right of way. **(See 625 ILCS 5/3-815)**

(E) **Handicapped Parking.** It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by **Section 1-159.1 of "The Illinois Vehicle Code", pursuant to Sections 3-616 or 11-1301.2 of "The Illinois Vehicle Code"**, (hereafter referred to as "handicapped person") or to a disabled veteran pursuant to **Section 3-609 of "The Illinois Vehicle Code"**, as evidence that the vehicle is operated by or for a handicapped person or a disabled veteran in any parking place, including any private or public off-street parking facility specifically reserved for motor vehicles bearing such registration plates or decals.

(1) The parking privileges for motor vehicles bearing registration plates or decals issued to a handicapped person or a disabled veteran shall also include motor vehicles registered in another jurisdiction upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle as operated by or for a handicapped person.

(2) Handicapped or disabled veteran persons bearing the required registration plates or decals shall be exempt from the payment of parking meter fines and exempt from any regulation imposing time limitations on parking except limitations of **thirty (30) minutes** or less on any street or highway zone or any parking lot or parking space which is owned or leased or owned and leased by the City or a City parking utility; but such vehicles shall be subject to the laws prohibiting parking in a **"No Stopping"** and **"No Standing Zone"** in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and where the motor vehicle constitutes a traffic hazard; whereby such vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.

(3) Any person owning or operating any public or private off-street facility may, after notifying the Police Department, remove or cause to be removed to the nearest garage or other place of safety, any vehicle parked within a stall or space reserved for use by the handicapped person or disabled veteran which does not

display handicapped registration plats or a special decal or device as required under this Section.

(4) Any person found guilty of wrongfully parking in a handicapped parking space shall be fined **Two Hundred Fifty Dollars ($250.00)** in addition to any costs connected with the removal or storage of the motor vehicle. **(See Schedule "J")**

(F) **Trailers Parked on Street.** No person shall park overnight on any street or alley a trailer of any kind, including but not limited to boat trailers, camping trailers, livestock trailers, semi-trailers or utility trailers.

24-6-5 LOAD LIMITS.

(A) **Established.** There is hereby established "gross load limits" on certain City 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 the Motor Vehicle Schedules at the end of this Chapter. **(See Schedule "H")**

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

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

Vehicles towed away shall be stored at an approved impound facility and shall be restored to the owner or operator thereof after payment of any expenses incurred by the City or the approved towing company in removing and storing such vehicle(s).

24-6-7 PARKING VIOLATIONS.

(A) Any person accused of a violation of an ordinance restricting the length of time a vehicle may be there parked in a designated area may settle and compromise the claim against his or her for such illegal parking by paying to the City **Ten Dollars ($10.00)** for each offense, if paid within **forty-eight (48) hours** of issuance of the ticket. If paid after **forty-eight (48) hours**, the person may settle the claim against him or her for such illegal parking by paying the sum to the City of **Twenty Dollars ($20.00).**

(B) Any person accused of a violation of an ordinance prohibiting parking of a vehicle in a designated area, unless a specific fine is required or as is otherwise provided by the City Code, may settle and compromise the claim against him or her for such illegal parking by paying to the City **Twenty-Five Dollars ($25.00)** for each offense, if paid within **forty-eight (48) hours** of issuance of the ticket. If paid after **forty-eight (48) hours**, the person may settle the claim against him or her for such illegal parking by paying the sum to the City of **Fifty Dollars ($50.00)**.

(C) The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for **thirty (30) days**; provided, however, that this Section shall not apply to persons parking a vehicle so as to obstruct the entrance of exit of any place where Police Department or Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

24-6-8 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

ARTICLE VII – SKATEBOARDS AND OTHER HUMAN-POWERED VEHICLES

24-7-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) ***Business District*** shall mean the area bounded on a point beginning at the intersection of Illinois Route 40 and Main Street, then North on Main Street to Monroe Street, then Southwesterly on Monroe Street to Third Street, and then South on Third Street to Illinois Route 40, then Northeasterly to the point of beginning; a schedule of which area is attached and made a part of this Article.

(B) ***Sidewalk*** shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(C) ***Skateboard*** shall mean any device propelled by motor or human power upon which a person may stand, sit or otherwise ride, having **three (3)** or more wheels, any of which under **four (4) inches** in diameter.

(D) ***Street*** shall include all public streets, highways, roads, avenues, lanes, alleyways, public parking lots, or public rights-of-way used for the passage and parking of motor vehicles. Street shall also mean the area between the curbs or, if not curbs, that portion of the public right-of-way used for the passage of, or parking of, motor vehicles.

24-7-2 OPERATION AND USES.

(A) No person shall operate a skateboard upon any street within the City.

(B) No person shall operate a skateboard within the Business District of the City.

(C) No person shall operate a skateboard on private property unless that person has the permission of the owner to operate thereon.

(D) No person shall ride a skateboard in a reckless manner on any public sidewalk. No person shall ride a skateboard on a sidewalk without exercising due care for the safety of other persons using the sidewalk.

(E) Persons riding or operating a skateboard must yield the right-of-way to any pedestrian or motor vehicle.

(F) No person shall ride, or cause to ride, any skateboard in a reckless or hazardous fashion or in a manner creating interference with pedestrian or motor vehicular traffic.

(G) Nothing in this Section shall prohibit the lawful use of a wheelchair or other device which is used, operated, or propelled by a handicapped person.

24-7-3 PERMITTING VIOLATIONS. No parent, guardian or other person having the legal care and custody of any minor under the age of **seventeen (17) years** shall allow, permit or encourage any such minor to violate the provisions of this Article.

24-7-4 IMPOUNDMENT AND FORFEITURE. Upon the violation of any of the provisions of this Article by any person, the skateboard used in such violation may be impounded and, upon conviction, may be forfeited to the City.

24-7-5 PENALTY FOR VIOLATION. Any person who violates any provision of this Article commits a civil ordinance violation. Violator(s) shall be subject to a fine of not less than **Twenty-Five Dollars ($25.00)** and not more than **Two Hundred Dollars ($200.00)** for each violation.

(Ord. No. 417-06; 10-09-06)

ARTICLE VIII – GOLF CARTS AND NEIGHBORHOOD VEHICLES

24-8-1 DEFINITIONS.

(A) **Golf Cart.** Shall not be capable of speeds exceeding **twenty (20) miles per hour**. The definition of golf cart specifically excludes all-terrain vehicles, ATV's, or any vehicle that is not a golf cart.

(B) **Neighborhood Vehicle.** Self-propelled, electronically powered fourth-wheeled motor vehicle (or a self-propelled, gasoline powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in **one (1) mile** a speed of more than **twenty (20) miles per hour**, but not more than **twenty-five (25) miles per hour**, and which conforms to federal regulations under Title 49 C.R.F. Part 571.500.

(C) **City Streets.** Any part of the streets within the boundaries of the City except State and County roads.

(D) **State Roads.** Include Illinois Route 128 and U.S. Route 40.

24-8-2 REQUIREMENTS. All persons wishing to operate a golf cart or neighborhood vehicle on the streets of the City must be equipped with the following:

(A) Windshield.
(B) Horn.
(C) Brakes.
(D) Turn signals.
(E) Steering apparatus.
(F) Tires.
(G) Rearview mirror.
(H) Slow moving emblem as required by ILCS 5/12-709 attached to the rear of the golf cart or neighborhood vehicle.
(I) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front.
(J) Tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear.
(K) Brake lights.
(L) Seat belts.
(M) Red flag approximate size of 10" x 12" on a **six (6) foot** fiberglass pole.

24-8-3 ADDITIONAL REQUIREMENTS.

(A) Proof of liability insurance.
(B) Must display City permit on front drivers side of golf cart or neighborhood vehicle.
(C) Must be inspected by the City Police Chief or designated representative (Exhibit A-3).
(D) There shall be no modification to the golf cart suspension.

24-8-4 DRIVERS AND PASSENGERS.

(A) Drivers must be **eighteen (18) years** of age and hold a valid Illinois Driver's License.
(B) Passengers under age of **five (5) years** are not permitted.
(C) A person who drives or is in actual physical control of a golf cart or neighborhood vehicle on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statues (625 ILCS 5/11-500 through 11-502)

24-8-5 OPERATION OF GOLF CART OR NEIGHBORHOOD VEHICLE.

(A) When operated on a street, a golf cart or neighborhood vehicle shall have its headlight and tail lamps lighted **(625 ILCS 5/11-1428)**

(B) Must obey all provisions of the Illinois Vehicle Code, as amended from time to time.

(C) Must not exceed **twenty (20) miles per hour**.

(D) May only be operated between sunrise and **10:00 P.M. (Ord. No. 671-19; 09-23-19)**

(E) Shall not be operated on sidewalks or in City parks other than parking areas and park roadways.

(F) May not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 128 or U.S. Route 40) or the County Highway Department.

(G) May not be operated on State or County roads except to cross at designated streets when authorized by the State of Illinois Department of Transportation or County Highway Department as applicable. The City will ensure that signs are erected to designate authorized crossing points.

(H) May not transport open alcoholic beverages in golf cart or neighborhood vehicle.

24-8-6 RESTRICTED STREETS. Golf carts and neighborhood vehicles may not be operated on restricted streets and may only use designated crossings of those restricted streets as listed on **Exhibit A-1**.

24-8-7 PERMITS.

(A) No person shall operate a motorized golf cart or neighborhood vehicle without a permit from the City Clerk as provided herein. Permits shall be granted for a non pro-rated period of **one (1) calendar year** and may be renewed annually. The cost of a permit is **Fifty Dollars ($50.00)**. Insurance coverage is to be verified in effect by the City Clerk when renewing the permit.

(B) Every application for a permit shall be made on a form supplied by the City and shall contain the following information: **(Exhibit A-2)**

(1) Name and address of applicant.

(2) Name of liability insurance carrier.

(3) Serial number, make, model, and description of the golf cart or neighborhood vehicle.

(4) Signed waiver of liability by applicant releasing the City from any and all future claims resulting from the operation of their golf cart or neighborhood vehicle on City Street. **(Exhibit A-4)**

(5) Photostatic copy of applicable liability insurance coverage card or certificate of insurance specifically for the golf cart or neighborhood vehicle to be operated on the City Street.

(6) Such other information as the City may require.

(C) No permit shall be granted unless the following conditions are met:

(1) The golf cart or neighborhood vehicle must be inspected by the City Chief of Police (or designee) to ensure the vehicle is safe to operate on City streets and is in compliance with the requirements of this Article.

(2) The handicapped applicant must submit a certificate signed by a physician, that the handicapped applicant is able to safely operate a motorized golf cart or neighborhood vehicle on the roadways designated or show proof of current handicap status from the Illinois Secretary of State.

(3) The applicant must provide evidence of insurance in compliance with the provisions of Illinois Statutes regarding minimum liability

insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Article or if there is evidence that the permittee cannot safely operate the motorized golf cart or neighborhood vehicle on the designated roadways.

Any person who violates any provisions of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than **Seventy-Five Dollars ($75.00)** and not more than **Five Hundred Dollars ($500.00)**.

Every person operating a golf cart or neighborhood vehicle pursuant to permit hereunder on designated City streets has the rights and duties applicable to a driver of any other vehicle pursuant to the state highway traffic laws and regulations except when those provisions cannot reasonably be applied to motorized golf carts or neighborhood vehicles.

(Ord. No. 456-09; 09-14-09)

ARTICLE IX – BICYCLES, E-SCOOTERS, AND MOTORIZED PEDALCYCLES

24-9-1 APPLICATION OF RULES.

(A) **Generally.** It is unlawful for any person to do any act forbidden or fail to perform any act required in this Article.

(B) **Responsibility of Parent or Guardian.** The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Article.

(C) **Definitions.** The definitions of this Article shall be construed consistently with the Illinois Vehicle Code **625 ILCS 5/1-100 et seq.** as amended.

(1) **Bicycle.** A non-motorized vehicle with **two (2)** or **three (3) wheels** tandem, a steering handle, **one (1)** or **two (2) saddle seats**, and pedals by which the vehicle is propelled by human power, or an electric-assisted bicycle, as defined in G.S. 20-4.01(7a).

(2) **Electric Assisted Bicycle.** A bicycle with **two (2)** or **three wheels** that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than **seven hundred fifty (750) watts**, whose maximum speed on a level surface when powered solely by such a motor is no greater than **twenty (20) miles per hour**.

(3) **Electric Standup Scooter.** A device with no more than **three (3) twelve (12) inch** or smaller diameter wheels, that has handlebars, is designed to be stood upon by the user while riding and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than **twenty (20) miles per hour** on a paved level surface.

(4) **Micromobility Vehicle.** A lightweight, electric-powered vehicle with maximum propulsion speeds of **twenty (20) miles per hour** or less, including electric-assisted bicycles and standup electric scooters.

(5) **Micromobility Vehicle Shared Service Provider.** Any person, corporation, LLC or partnership that provides micromobility vehicles for shared use.

(6) **Multi-Use Path.** A paved pathway for bicycles and pedestrians either paralleling a roadway and located within the right-of-way of said roadway or located within a public easement or right-of-way other than that of a roadway and designated by signage.

(7) **Pedalcycle.** A motor-driven cycle equipped with operable pedals, a motor rated no more than **one and one-half (1.5) brake horsepower**, a cylinder capacity not exceeding **fifty (50) cubic centimeters**, an automatic transmission, and a maximum design speed of no more than **twenty-five (25) miles per hour**, or an electric motor-driven cycle equipped with operable pedals and an automatic transmission powered by an electric battery or battery pack-powered electric motor with a maximum design speed of no more than **twenty-five (25) miles per hour**.

24-9-2 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES, PEDALCYCLES, OR MICROMOBILITY VEHICLES. Every person riding a bicycle, pedalcycle, or micromobility vehicle upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Article except as to special regulations in this Chapter and except as to those provisions of this Article and except as to those provisions of this Section which by their nature can have no application.

24-9-3 RIDING ON BICYCLES, PEDALCYCLES, AND MICROMOBILITY VEHICLES.

(A) **Use of Seat.** A person propelling a bicycle, pedalcycle, or an electric-assisted bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(B) **Number of Persons.** No bicycle, pedalcycle, or micromobility vehicle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

24-9-4 UNSAFE OPERATIONS. No person riding upon any bicycle, coaster, roller skates, sled, scooter, micromobility vehicle, toy vehicle, or any other vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

24-9-5 POSITION OF BICYCLE, PEDALCYCLE, AND MICROMOBILITY VEHICLES ON ROADWAYS; RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) **Two-Way Roadways.** Any person operating a bicycle, motorized pedalcycle, or a micromobility vehicle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, or within designated bike lanes, except under the following situations:

(1) When overtaking and passing another bicycle, motorized pedalcycle, micromobility vehicle, or any other vehicle proceeding in the same direction; or

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedalcycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a "substandard width lane" means a lane that is too narrow for a bicycle, motorized pedalcycle, or a micromobility vehicle and a motor vehicle to travel safely side b y side within the lane.

(B) **One-Way Roadways.** Any person operating a bicycle, pedalcycle, or micromobility vehicle upon a one-way highway with **two (2)** or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

24-9-6 RIDING BICYCLES, MOTORIZED PEDALCYCLES, AND MICROMOBILITY VEHICLES ON ROADWAYS. Persons riding bicycles, motorized pedalcycles, or micromobility vehicles upon a roadway shall not ride more than **two (2)** abreast, except on paths or parts of roadways set aside for their use. Persons riding **two (2)** abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of **Section 24-9-5** of this Chapter.

24-9-7 CARRYING ARTICLES. No person operating a bicycle, or a micromobility vehicle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least **one (1)** hand on the handlebars at all times.

24-9-8 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) **Required and Optional Lights.** Every vehicle subject to this Article when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front and a red reflector on the rear of a type approved by the Illinois Vehicle Code which shall be visible from all distances from **one hundred (100) feet** to **six hundred (600) feet** to the rear when directly in front of lawful lower beams and headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B) **Sirens Prohibited.** Vehicles subject to this Article shall not be equipped with nor shall any person use upon the same any siren.

(C) **Brakes Required.** Every vehicle subject to this Article shall be equipped with a brake which will adequately control movement of and stop and hold such vehicle.

(D) **Reflectors.** All vehicles subject to this Article shall be equipped with adequate reflectors that are visible at night as required by the Illinois Vehicle Code as amended, all reflectors must be visible during darkness from a minimum distance of **two hundred (200) feet** from the rear and **five hundred (500) feet** from the side.

24-9-9 BIKEWAY NETWORK.

(A) **Map on File.** There is established within the City, an official bikeway network, as indicated by official signs or markings designating the same. Said bikeway network shall be designated in accordance with the bikeway network map which shall be kept on file in the Development Services office.

(B) **Exclusive Bike Areas Designated.** Where official signs or markings designate a particular area for the operation of bicycles, no person shall operate a vehicle or use the area so designated except when operating a bicycle or when otherwise required by law.

(C) **Bikeways Not Sidewalks.** Any portion of any sidewalk designated by official signs or markings as part of the bikeway network shall not be considered a sidewalk for the purposes of this Chapter.

24-9-10 BICYCLES AND MICROMOBILITY VEHICLES ON SIDEWALKS.

(A) **Prohibited; Young Children Exception.** No person shall ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk in the City except for persons under **sixteen (16) years** of age.

(B) **Exception; Bikeway Areas.** Any place designated in accordance with the bikeway network map as stated herein under this Article is an exception.

(C) **Exception When Conditions are Unsafe.** When an operator of a bicycle or micromobility vehicle reasonably believes that conditions are unsafe within the roadway or bicycle lane.

24-9-11 MULTI-USE PATH DESIGNATION.

(A) **Area Established.** There is hereby established within the City a multi-use path as indicated by official signs or markings designating the said path, which shall be designated in accordance with the bike network map.

(B) **Path Not Considered Sidewalk.** No portion of the multi-use path shall be considered a sidewalk under this Code but shall instead be considered a path for use exclusively by pedestrians, bicyclists, micromobility vehicles and persons in wheelchairs.

24-9-12 MOTOR VEHICLES PROHIBITED ON MULTI-USE PATH.

(A) **Generally.** All "motor vehicle," "motorcycles," and "motorized pedalcycles," as defined by **625 ILCS 5/1-101 et seq.**, shall be prohibited from traveling upon and along multi-use paths, except as hereinafter provided.

(B) **Exception.** Authorized vehicles shall be permitted to operate upon and along multi-use paths in order to perform routine maintenance, utility or emergency services.

24-9-13 REGULATING TRAFFIC ON MULTI-USE PATHS.

(A) **Obedience to Traffic Control Devices.** All persons traveling upon and along the tramways/greenways path shall obey all traffic control devices.

(B) **Yield Right of Way.** All persons propelling a bicycle along and upon a multi-use path shall yield right of way to all pedestrians and persons in wheelchairs at all intersections and at all points along the bike path where said persons are present.

(C) **Keep to Right.** All persons propelling a bicycle along and upon a multi-use path shall travel only upon the right half of said path except when overtaking and passing slower traffic, and in such cases said person shall use the left half or left lane of the described bike path exclusively and shall give an audible signal of their intent to pass to the slower moving party a reasonable length of time prior to overtaking and passing the slower moving party.

(D) **General Traffic Regulations Apply.** All other traffic regulations and laws of the City shall apply to the use or operation of approved vehicles, and along multi-use paths, except as set forth herein.

24-9-14 EMERGING FROM MULTI-USE PATHS. Any person operating an approved vehicle upon a multi-use path shall come to a complete stop immediately prior to riding into the sidewalk area extending across any intersecting streets, or in the event there is no sidewalk area, shall come to a complete stop at a point where the operator has a view of approaching traffic thereon, and shall yield the right of way to all vehicles approaching on said roadway.

24-9-15 SHARED MICROMOBILTY SERVICE PERMIT.

(A) It shall be unlawful for any person or persons to operate a micromobility shared service within any public right-of-way without first entering into a micromobility service agreement with the City and obtaining a permit from the Development Services Department and paying tb\he proper fees.

(B) The Development Services Department may issue a permit for the operation of a micromobility share service.

(C) The fee for a shared micromobility service permit shall be **One Hundred Dollars ($100.00)**.

(D) For good cause, the Development Services Department may revoke any permit issued under this Section. Good cause shall include, but shall not be limited to the following:

(1) Permittee failed to pay a fine imposed by the City within **thirty (30) days**;

(2) Permittee failed to pay a permit fee within **thirty (30) days** following notice of nonpayment;

(3) Permittee has violated any statute or ordinance governing operation of the micromobility vehicles; or

(4) Permittee has violated one or more conditions of the permit.

(E) Any authorized employee of the City or designated official may impound any micromobility vehicles found in violation of this Section and charge an impound fee.

24-9-16 CODE OF CONDUCT. Shared micromobility service companies agree to conduct operations granted via a City-issued permit in a safe, orderly, ethical, and businesslike manner. Because these permits require the company and its personnel to deal with the public on a daily basis, it's required that all company employees present a professional and courteous attitude at all times and deliver services in a fair and equitable manner.

24-9-17 PENALTIES FOR VIOLATION OF THIS CHAPTER.

(A) Any person may settle any claim the City may have against a person for a violation of this Article by making payment in accordance with the following schedule to the finance department.

If Paid Within 2 Days of Commission of Violation	If Paid Between 2 and 14 Day of Violation	If Paid on the Fifteenth Day After Violation but Prior to Filing of Complaint
$15.00	$20.00	$25.00

(B) Any micromobility shared service provider found in violation of this Article shall be subject to a fine not less than **Two Hundred Fifty Dollars ($250.00)** for each and every day that a violation continues.

EXHIBIT "A"

VEHICLES PROHIBITED

All of a corridor of land, 100 feet in width, formerly known as Prairie Trunk Railway, and previously known as the Baltimore and Ohio Railroad, located in the City of Altamont, State of Illinois, more specifically that part located between Jackson Avenue and the North line of Conrail right of way, and that part, also 100 feet in width, located between the north line of Section 21 and a point located 2,300 feet North of the South line of said Section, all in Township 7 North, Range 4 East of the Third Principal Meridian, except the following described tract: A part of the Northeast 1/4 of the Northeast 1/4 of Section 21, Township 7 North, Range 4 East of the Third Principal Meridian, Effingham County, Illinois, more particularly described as follows: Beginning at the intersection of the centerline of survey of Federal Aid Interstate Route 70 (recorded in Book 2 of Plats, Page 68 in the office of the Effingham County Recorder) and the east right of way line of the former Baltimore and Ohio Railroad; thence Northerly along said east right of way line to the northerly right of way line and line of said Route 70; thence westerly along said northerly right of way line and its prolongation to the west right of way line of said railroad; thence southerly along said west right of way line to the southerly right of way line of said Route 70; thence easterly along said southerly right of way and its prolongation to the said east right of way line; thence northerly along said east right of way line to the point of beginning. This tract of land is located between Railroad Station 5566+01.21 and 5569+61.79, situated in Effingham County, Illinois.

EXHIBIT A-1

RESTRICTED STREETS

In accordance with Ordinance No. 456-09 use of the following streets are restricted to golf carts and neighborhood vehicles use, within the City.

Streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 128 or U.S. Route 40) or the County Highway Department.

Main Street from Jackson Avenue to Route 40.

Division Street from Route 40 to Tenth Street.

DESIGNATED CROSSINGS OF RESTRICTED STREETS

In accordance with Ordinance No. 456-09 the following designated crossings of restricted streets are approved for golf cart and neighborhood vehicle use, within the City.

Main Street from Jackson Avenue to Route 40; designated crossings are located at the cross streets of Jackson Avenue, Monroe Avenue, Adams Avenue, Lincoln Avenue, and Grant Avenue.

Division Street from City limits to Tenth Street; designated crossings are located at the cross streets of Ewing Street and Third Street.

U.S. Route 40; designed crossings are located at the cross streets of South Third Street and South Edwards Street. **(Ord. No. 671-19; 09-23-19)**

EXHIBIT A-2

PERMIT APPLICATION

Purpose. This application is for a permit to operate a golf cart or neighborhood vehicle on City streets in accordance with City Ordinance Number 456-09.

APPLICANT INFORMATION

Name _____ Date of Birth _____

Address _____ Phone # _____

Illinois Driver's License _____ Expiration Date _____

Liability Insurance Carrier _____ Policy Number _____

GOLF CART OR NEIGHBORHOOD VEHICLE INFORMATION

Make _____ Model _____ Color _____

Serial Number _____ Number of Seats _____

Description _____

_____

_____

I, _____ hereby acknowledge receipt of a copy of the City Ordinance Number 456-09 and affirm that all information provided above to be true and factual.

_____ _____

Signature of Applicant Date

EXHIBIT A-3

GOLF CART OR NEIGHBORHOOD VEHICLE INSPECTION REPORT

Purpose. This Golf Cart or Neighborhood Vehicle Inspection Report is required to ensure that golf carts or neighborhood vehicles operated on streets in the City are in strict compliance with the City Ordinance Number 456-09.

Date of Inspection _____ Time of Inspection _____

Applicant Name _____

Vehicle Make _____ Serial Number _____

Place an (x) to the left of requirement to indicate compliance and verifying item is functional.

_____ Proof of liability insurance **(Attach copy to Inspection Report)**

_____ Signed "Waiver of Liability" **(Attach copy to Inspection Report)**

_____ Valid Illinois Driver's License **(Attach copy to Inspection Report)**

_____ Windshield _____ Horn ____ Brakes _____ Turn Signals

_____ Steering Wheel _____ Tires ____ Rearview mirror _____ Headlights

_____ Tail Lamp _____ Brake Lights ____ Red Flag _____ Seat Belts

_____ Slow Moving Vehicle Emblem

The above-described vehicle **is / is not** (circle one) in compliance with Ordinance 456-09 requirements and **is / is not** (circle one) granted a permit for operation within the City.

Permit Number _____ Expiring _____

Inspected By _____
Signature

EXHIBIT A-4

UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT TO SUE

This is a legally-binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT TO SUE made by me, _____ (hereinafter referred to as Operator) to City of Altamont and its Council (hereinafter referred to as the City).

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART OR NEIGHBORHOOD VEHICLE ON CITY STREETS. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY; INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE CITY BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF A GOLF CART OR NEIGHBORHOOD VEHICLE ON CITY STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS, AND INDEMNIFY THE CITY AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION AND COSTS OF WHATSOEVER KIND AND NATURE INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURRING IN CONNECTION WITH THE USE OF THIS GOLF CART OR NEIGHBORHOOD VEHICLE ON CITY STREETS.

I understand that the City has an ordinance governing the use of golf carts and/or neighborhood vehicles on City streets and hereby agree to conform with all requirements on the City Ordinance at all times. I have had the opportunity to read said Ordinance and my signature below acknowledges that I will comply with this Ordinance and all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart on City streets.

I, THEREFORE, AGREE TO ASSUME AND TAKE ON MYSELF ALL OF THE RISKS AND RESPONSIBILITIES IN AY WAY ASSOCIATED WITH THIS ACTIVITY. IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART ON CITY STREETS. I RELEASE THE CITY (AND COUNCIL, EMPLOYEES, AND AGENTS) FROM ANY AND ALL LIABILITY, CLAIMS AND ACTIONS THAT MAY ARISE FROM INJURY OR HARM TO ME OR OTHERS, INCLUDING DEATH, OR FROM DAMAGE TO MY PROPERTY OR PROPERTY OF ANY OTHER IN CONNECTION WITH THIS ACTIVITY. I UNDERSTAND THAT THIS RELEASE COVERS LIABILITY, CLAIMS AND ACTIONS CAUSED ENTIRELY OR IN PART BY ANY ACTS OR FAILURES TO ACT ON MY PART, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, MISTAKE, OR FAILURE TO ENFORCE, SUPERVISE, OR MAINTAIN.

I assure the City that there are no health-related reasons or problems which preclude or restrict my participation in this activity. I further assure the City that I have adequate health and liability insurance necessary to provide for and pay any medical costs or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the City harmless for any such medical costs or property damage.

I understand that this Release means I am giving up, among other things, rights to sue the City, its Council, employees and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

_____ _____

Operator's Signature **Date**

CITATION FORM

NO. _____

DATE _____ **TIME** _____

LICENSE NO. _____ **STATE** _____

LICENSE EXPIRES _____ **MAKE OF VEHICLE** _____

METER NUMBER _____ **OFFICER** _____

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

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

NAME _____

ADDRESS _____

CITY _____ **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 $20.00 will be collected.

FOR YOUR CONVENIENCE

After detaching your Ticket Stub, place the fine in the envelope and deposit it in the Utility collection box at the City Hall.

SCHEDULE "A"

STOP INTERSECTIONS

In accordance with the provisions of **Section 24-3-3** the following are hereby established as stop intersections:

I. ONE OR TWO-WAY STOPS.

THROUGH STREET	STOP STREET (DIRECTION)
Cumberland Rd. (Rte. 40)	All Intersecting Streets
Division St.	All Intersecting Streets
Main St.	All Intersecting Streets
N. Second Ave.	W. Adams Ave. (Both) **(#494-11)**
N. Second Ave.	W. Monroe St. (Both) **(#494-11)**
N. Second St.	W. Jefferson Ave. (Both) **(#494-11)**
Second St.	Jefferson Ave. (Both)
N. Third St.	W. Adams Ave. (Both) **(#494-11)**
Third St.	Alley (N. Second/N. Third) (West) **(#494-11)**
Third St.	Alley (Adams/Washington) (West Bd.)
Third St.	W. Division St. (Both) **(#494-11)**
N. Third St.	W. Jefferson Ave. (Both) **(#494-11)**
N. Third St.	W. Madison Ave. (Both) **(#494-11)**
N. Third St.	W. Washington Ave. (Both) **(#494-11)**
S. Third St.	W. Grant St. (Both) **(#539-13)**
N. Fourth St.	W. Washington Ave. **(#694-20)**
S. Fourth St.	W. Grant Ave. (Both) **(#494-11)**
Tenth St.	Carella Ave. (West Bd.) (North & South)
Tenth St.	W. Garfield Ave. (West Bd.)
Tenth St.	W. Grant Ave. (West Bd.)
Tenth St.	W. Hayes Ave. (West Bd.)
Tenth St.	Jackson St. (Both)
Tenth St.	Jefferson Ave. (West Bd.)
Tenth St.	Monroe Ave. (West Bd.)
N. Tenth St.	W. Division (East) **(#494-11)**
N. Tenth St.	Horschu Dr. (Both) **(#539-13)**
N. Tenth St.	W. Jackson Ave. (Both) **(#494-11)**
N. Tenth St.	W. Jefferson Ave. (East) **(#494-11)**
N. Tenth St.	W. Monroe Ave. (East) **(#494-11)**
S. Tenth St.	Carella Dr. (Both) **(#494-11)**
S. Tenth St.	W. Garfield Ave. (East) **(#494-11)**
S. Tenth St.	W. Grant Ave. (East) **(#494-11)**
S. Tenth St.	W. Hayes Ave. (East) **(#494-11)**
County Highway 25	Do It Dr. **(#539-13)**
County Highway 25	Mathias Ct. **(#494-11)**
Division St.	N. Main St. **(#494-11)**
Division St.	S. Main St. **(#494-11)**
E. Division St.	N. Bond St. **(#494-11)**
E. Division St.	S. Bond St. **(#494-11)**

THROUGH STREET	STOP STREET (DIRECTION)
E. Division St.	Coles St. **(#494-11)**
E. Division St.	N. Edwards St. **(#494-11)**
E. Division St.	S. Edwards St. **(#494-11)**
E. Division St.	Ewing St. **(#494-11)**
E. Division St.	E. Meadows Dr. **(#494-11)**
E. Division St.	E. Meadows Ln. **(#494-11)**
E. Division St.	Reynolds St. **(#494-11)**
E. Division St.	N. St. Clair St. (South) **(#494-11)**
E. Division St.	S. St. Clair St. (North) **(#494-11)**
E. Division St.	Whitler Dr. **(#494-11)**
W. Division St.	N. Fourth St. (Both) **(#494-11)**
W. Division St.	S. Sixth St. (Both) **(#494-11)**
Edwards St.	E. Division St. **(#494-11)**
S. Edwards St.	Ash St. (West) **(#494-11)**
S. Edwards St.	E. Grant Ave. **(#494-11)**
S. Edwards St.	Grove (East) **(#494-11)**
S. Edwards St.	E. Johnson Ave. (Both) **(#494-11)**
S. Edwards St.	E. Lincoln Ave. (Both) **(#694-20)**
S. Edwards St.	Oak St. (West) **(#494-11)**
S. Edwards St.	Park Place (West) **(#494-11)**
Ewing St.	Johnson Ave. (East Bd.)
Ewing St.	E. Johnson Ave. (West) **(#494-11)**
Ewing St.	Lincoln Ave. (East Bd.)
Ewing St.	E. Lincoln Ave. (West) **(#494-11)**
Fairlane Circle	Lincoln Dr. **(#494-11)**
Frontage Rd.	Fairlane Circle **(#494-11)**
Grant Ave.	S. Sixth St. **(#494-11)**
E. Grant Ave.	S. St. Clair (Both) **(#539-13)**
W. Grant Ave.	S. Eighth St. **(#494-11)**
Illinois Route 128	Ash St. **(#494-11)**
Illinois Route 128	Fairlane Circle North **(#494-11)**
Illinois Route 128	Fairlane Circle South **(#494-11)**
Illinois Route 128	Frontage Rd. **(#539-13)**
Illinois Route 128	LaJean Dr. (Both) **(#539-13)**
Illinois Route 128	Oak St. **(#494-11)**
Illinois Route 128	E. Wurl Ln. (Both) **(#539-13)**
W. Madison Ave.	N. Second St. (Both) **(#494-11)**
Main St.	E. Division St. **(#494-11)**
Main St.	W. Division St. **(#494-11)**
Main St.	Jays Way **(#494-11)**
Main St.	Sadie Ln. **(#494-11)**
N. Main St.	E. Adams Ave. **(#494-11)**
N. Main St.	W. Adams Ave. **(#494-11)**
N. Main St.	E. Jackson Ave. **(#494-11)**
N. Main St.	W. Jackson Ave. **(#494-11)**
N. Main St.	E. Jefferson Ave. **(#494-11)**
N. Main St.	W. Jefferson Ave. **(#494-11)**

THROUGH STREET	STOP STREET (DIRECTION)
N. Main St.	W. John Adams Ave. **(#494-11)**
N. Main St.	E. Madison Ave. **(#494-11)**
N. Main St.	W. Madison Ave. **(#494-11)**
N. Main St.	E. Monroe Ave. **(#494-11)**
N. Main St.	W. Monroe Ave. **(#494-11)**
N. Main St.	E. Washington Ave. **(#494-11)**
N. Main St.	W. Washington Ave. **(#494-11)**
S. Main St.	E. Grant Ave. **(#494-11)**
S. Main St.	W. Grant Ave. **(#494-11)**
S. Main St.	W. Hayes Ave. **(#494-11)**
S. Main St.	E. Johnson Ave. **(#494-11)**
S. Main St.	W. Johnson Ave. **(#494-11)**
S. Main St.	E. Lincoln Ave. **(#494-11)**
S. Main St.	W. Lincoln Ave. **(#494-11)**
E. Meadows Dr.	Meadows St. (Both) **(#599-16)**
E. Meadows Dr.	Prairie St. (Both) **(#599-16)**
E. Meadows Ln.	Lake Dr. (Both) **(#539-13)**
E. Meadows Ln.	Meadows St. (Both) **(#599-16)**
E. Meadows Ln.	Prairie St. (Both) **(#599-16)**
W. Monroe Ave.	N. Second St. (Both) **(#494-11)**
W. Monroe Ave.	N. Third St. (Both) **(#494-11)**
Monroe St.	N. Main St. (Both) **(#494-11)**
Rural Rd.	Fairland Circle (East Bd.)
U.S. Route 40	S. Third St. **(#494-11)**
U.S. Route 40	S. Fourth St. **(#494-11)**
U.S. Route 40	S. Sixth St. **(#494-11)**
U.S. Route 40	S. Eighth St. **(#494-11)**
U.S. Route 40	S. Tenth St. **(#494-11)**
U.S. Route 40	S. Bond St. **(#494-11)**
U.S. Route 40	Coles St. **(#494-11)**
U.S. Route 40	S. Edwards St. **(#494-11)**
U.S. Route 40	Ewing St. **(#494-11)**
U.S. Route 40	Gilbert Park Exit **(#494-11)**
U.S. Route 40	S. Main St. **(#494-11)**
U.S. Route 40	Reynolds St. **(#494-11)**
W. Washington Ave.	N. Second St. (Both) **(#494-11)**

II. THREE-WAY STOP.

III. FOUR-WAY STOPS.

Division St.	at	Third St.
Division St.	at	Edwards St.
Division St.	at	Main St.
Monroe Ave.	at	Main St.
Cumberland Rd.	at	Main St.

SCHEDULE "B"

ONE-WAY STREETS AND ALLEYS

In accordance with the provisions of **Section 24-3-2** the following streets and/or alleys are hereby designated as one-way streets and alleys:

STREET/ALLEY (DIRECTION)		LOCATION
Alley (S. Third St. to S. Fourth St.) (South Bd.)	From	Division St. to W. Lincoln St.
Alley (Adams/Washington) (West Bd.)	From	Second St. to Third St.
Alley (North of Mid Illinois Bank & Trust)	From	N. Second St. to N. Third St. **(#494-11)**
E. Wurl Ln.	From	S. Edwards St. to S. Main St. **(#794-24)**

SCHEDULE "C"

YIELD RIGHT-OF-WAY INTERSECTIONS

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

THROUGH STREET		YIELD STREET (DIRECTION)
Third St.	at	Grant St. (Both)
Third St.	at	Hayes St. (West Bd.)
Third St.	at	Johnson St. (Both)
Third St.	at	Lincoln St. (Both)
N. Third St.	at	W. John Adams (Both) **(#539-13)**
S. Third St.	at	W. Grant Ave. (Both) **(#494-11)**
S. Third St.	at	Hayes Ave. (Both) **(#494-11)**
S. Third St.	at	W. Johnson Ave. (Both) **(#494-11)**
S. Third St.	at	W. Lincoln Ave. (Both) **(#494-11)**
Fourth St.	at	Hayes St. (West Bd)
Fourth St.	at	Johnson Ave. (West Bd.)
Fourth St.	at	Lincoln St. (West Bd.)
S. Fourth St.	at	W. Hayes Ave. (East) **(#494-11)**
S. Fourth St.	at	W. Johnson Ave. (East) **(#494-11)**
S. Fourth St.	at	W. Lincoln Ave. (East) **(#494-11)**
N. Seventh St.	at	W. Elm St. (Both) **(#539-13)**
N. Seventh St.	at	W. John Adams (Both) **(#539-13)**
N. Eighth St.	at	W. Elm St. (Both) **(#539-13)**
N. Eighth St.	at	W. John Adams (Both) **(#539-13)**
N. Eighth St.	at	W. Lucky Dr. (Both) **(#539-13)**
S. Eighth St.	at	W. Hayes Ave. (South) **(#539-13)**
N. Ninth St.	at	W. Elm St. (Both) **(#539-13)**
N. Ninth St.	at	W. John Adams (Both) **(#539-13)**
N. Ninth St.	at	W. Lucky Dr. (Both) **(#539-13)**
N. Tenth St.	at	Andeline Ln. **(#494-11)**
Adams Ave.	at	Edwards St. (North Bd.)
E. Adams St.	at	N. Edwards St. (North) **(#494-11)**
E. Adams St.	at	N. St. Clair St. (South) **(#494-11)**
Aker Dr.	at	LaJean Dr. (Both) **(#539-13)**
Edwards St.	at	Ash St. (East Bd.)
Edwards St.	at	Madison Ave. (Both)
Edwards St.	at	Monroe Ave. (Both)
Edwards St.	at	Oak St. (East Bd.)
Edwards St.	at	Park Place (East Bd.)
Edwards St.	at	E. Washington Ave. (Both)
N. Edwards St.	at	E. Madison Ave. (Both) **(#494-11)**
N. Edwards St.	at	E. Monroe St. (Both) **(#494-11)**
N. Edwards St.	at	E. Washington Ave. (Both) **(#494-11)**
S. Edwards St.	at	Wurl Ln. **(#494-11)**

THROUGH STREET		YIELD STREET (DIRECTION)
Evergreen St.	at	S. Edwards St. (East) **(#494-11)**
Evergreen St.	at	Pine Ln. **(#494-11)**
Fairlane Circle	at	Sherman Dr. **(#494-11)**
Fairlane Circle	at	Wacker Dr. **(#494-11)**
Jackson Ave.	at	Second St. (North Bd.)
Jackson Ave.	at	Third St. (North Bd.)
Jackson Ave.	at	Seventh St. (North Bd.)
Jackson Ave.	at	Eighth St. (North Bd.)
Jackson Ave.	at	Ninth St. (North Bd.)
Jackson Ave.	at	N. Edwards St. (North Bd.)
Jackson Ave.	at	St. Clair St. (North Bd.)
E. Jackson Ave.	at	N. Edwards St. (South) **(#494-11)**
E. Jackson Ave.	at	N. St. Clair St. (Both) **(#494-11)**
W. Jackson Ave.	at	N. Second St. (South) **(#494-11)**
W. Jackson Ave.	at	N. Third St. (South) **(#494-11)**
W. Jackson Ave.	at	N. Seventh St. (South) **(#494-11)**
W. Jackson Ave.	at	N. Eighth St. (South) **(#494-11)**
W. Jackson Ave.	at	N. Ninth St. (South) **(#494-11)**
W. Jefferson Ave.	at	N. Seventh St. (North) **(#494-11)**
W. Jefferson Ave.	at	N. Eighth St. (Both) **(#494-11)**
John Adams St.	at	Second St. (Both) **(#494-11)**
Johnson Ave.	at	Bond St. (Both)
Johnson Ave.	at	Coles St. (Both)
Johnson Ave.	at	Reynolds St. (Both)
E. Johnson Ave.	at	S. Bond St. (Both) **(#494-11)**
E. Johnson Ave.	at	Coles St. (Both) **(#494-11)**
E. Johnson Ave.	at	Reynolds St. (Both) **(#494-11)**
E. Johnson Ave.	at	S. St. Clair St. (Both) **(#494-11)**
Lincoln Ave.	at	Bond St. (Both)
Lincoln Ave.	at	Coles St. (Both)
Lincoln Ave.	at	Reynolds St. (Both)
Lincoln Ave.	at	St. Clair St. (Both)
E. Lincoln Ave.	at	S. Bond St. (Both) **(#494-11)**
E. Lincoln Ave.	at	Coles St. (Both) **(#494-11)**
E. Lincoln Ave.	at	Reynolds St. (Both) **(#494-11)**
E. Lincoln Ave.	at	S. St. Clair St. (Both) **(#494-11)**
Lincoln Dr.	at	Carriage Ln. (East) **(#539-13)**
Lincoln Dr.	at	Fairlane Circle (East) **(#494-11)**
Lincoln Dr.	at	Wacker Dr. **(#494-11)**
Madison St.	at	Eighth St. (Both) **(#494-11)**
E. Madison Ave.	at	N. St. Clair St. (Both) **(#494-11)**
W. Madison Ave.	at	N. Seventh St. (Both) **(#539-13)**
N. Main St.	at	N. Second St. (North) **(#494-11)**
Meadows Dr.	at	Field St. (West Bd.)
Meadows Dr.	at	Meadows St. (West Bd.)
Meadows Dr.	at	Prairie St. (West Bd.)

THROUGH STREET		YIELD STREET (DIRECTION)
E. Meadows Dr.	at	Field St. (East) **(#494-11)**
Meadows Ln.	at	Meadows St. (East Bd.)
Meadows Ln.	at	Prairie St. (East Bd.)
Monroe Ave.	at	Seventh St. (Both)
Monroe Ave.	at	Eighth St. (Both)
Monroe Ave.	at	Ninth St. (Both)
E. Monroe Ave.	at	N. St. Clair St. (Both) **(#494-11)**
W. Monroe Ave.	at	N. Seventh St. (Both) **(#494-11)**
W. Monroe Ave.	at	N. Eighth St. (Both) **(#494-11)**
W. Monroe Ave.	at	N. Ninth St. (Both) **(#494-11)**
Washington Ave.	at	St. Clair St. (Both)
E. Washington Ave.	at	N. St. Clair St. (Both) **(#494-11)**

SCHEDULE "E"

NO-PARKING ZONES

In accordance with the provisions of **Section 24-6-3**, the following are hereby declared to be "no-parking" streets; to-wit:

STREET - SIDE		LOCATION
N. Second St. (West)	From	Adams St. to a point 50 feet south **(#494-11)**
S. Third St. (East)	From	W. Division St. to W. Lincoln St.
S. Third St. (West)	From	W. Division St. to E. Cumberland Rd.
W. Adams St. (North)	From	N. Second St. to a point 50 feet west **(#494-11)**
W. Adams St. (South)	From	N. Second St. west 20 feet **(#494-11)**
Cumberland Rd. (Both)	From	S. Edwards to East Corporate Limits
E. Division St. (Both)	From	N. Bond St. to East Corporate Limits
W. Division St. (Both)	From	Main St. to Third St. **(#610-17)**
W. Division St. (South)	From	S. Third St. to railroad right-of-way
W. Division St. (South)	From	S. Third St. west 130 feet
Do It Dr. (Both)		**(#694-20)**
S. Ewing St. (West)	From	E. Cumberland Rd. to E. Division St.
W. Jefferson Ave. (North)	From	N. Third St. to N. Eighth St. **(#66)**
Madison St. (North)	From	N. Main St. to Ninth St. **(#494-11)**
Madison S. (South)	From	N. Main St. to S. Second St. **(#494-11)**
S. Main St. (Both)	From	W. Hayes St. to South Corporate Limits

SCHEDULE "F"

LIMITED PARKING

In accordance with the provisions of **Section 24-6-3**, the following are hereby declared to be "limited parking" streets; to-wit:

I. TWO-HOUR LIMIT: 7:00 A.M. TO 5:00 P.M. - MONDAY THROUGH FRIDAY.

STREET - SIDE		LOCATION
N. Second St. (East)	From	W. Adams Ave. to a point 45 feet north of the SW corner of block 9 in the original town.
N. Second St. (West)	From	Alley north of W. Division St. and W. Adams Ave. **(#19)**
N. Third St. (East)	From	W. Adams St. to Washington Ave. **(#19)**
N. Third St. (West)	From	W. Division St. to the alley south of W. Adams Ave. **(#19)**
W. Division St. (North)	From	N. Third St. to N. Fourth St.
N. Main St. (East)	From	Division St. to Washington Ave. **(#19)**

II. TWO-HOUR LIMIT.

STREET - SIDE		LOCATION
N. Second St. (East)	From	W. Washington Ave. to south end of the triangle. **(#109)**
W. Division Ave. (South)	From	S. Main St. 20 feet west **(#92)**
N. Main St.	at	19 N. Main St. **(#92)**
N. Main St. (West)	From	W. Washington Ave. to W. Adams Ave. **(#120)**
W. Washington Ave. (North)	From	N. Main St. to N. Second St. **(#109)**

III. TWO-HOUR LIMIT - MONDAY THROUGH FRIDAY FROM 8:00 A.M. TO 4:00 P.M.

STREET - SIDE		LOCATION
N. Main St. - West	From	W. Washington Ave. to W. Division St. **(#28)**

IV. 15 MINUTE LIMIT - 8:00 A.M. TO 5:00 P.M.

STREET - SIDE		LOCATION
N. Second St. (West)	From	W. Jefferson Ave. north 125 feet.

SCHEDULE "H"

HANDICAPPED PARKING ZONES

In accordance with the provisions of **Section 24-6-5**, the following handicapped parking areas are hereby established:

First parking space east of Third St., on the north side of 100 Block of Washington St.

First parking space south of Washington St., on the west side of the first block of Third St.

First parking space on the north side and south side of the City parking lot located between 15 N. Main and 23 N. Main.

One parking space west of Second St., on the north side of 100 Block of Jefferson St.; and one parking space near the south entrance of the Municipal Building.

8th parking space west of Second St. on the north side of Washington St.

One parking space on the north side of the pedestrian entrance and one parking space on the south side of the pedestrian entrance to the ball field area of Gilbert Park.

One parking space west of Main St. on the south side of 1st Block of Adams St.

Two parking spaces as indicated west of Second St. on the south side of 100 Block of Monroe St.

Two parking spaces east of Edwards St. on the north side of Division St.

Two parking spaces north of Division St. on the east side of Edwards St.

(Ord. No. 415-06)

SCHEDULE "J"

LOAD LIMIT

In accordance with the provisions of **Section 24-6-6** the following load limit streets are hereby established:

I. 10 TON LIMIT.

STREET		LOCATION
S. Fourth St.	From	W. Cumberland St. to W. Division St.

II. 6 TON LIMIT.

STREET		LOCATION
All of Tenth St.	From	W. Cumberland St. to North Corporate Limits

(Ord. No. 619-17; 2017)

SCHEDULE "K"

UNLOADING ZONES

In accordance with the provisions of **Section** _____ the following streets are hereby designated as loading zones, to-wit:

STREET - SIDE	LOCATION
W. Adams St. (South)	West of N. Third St.

SCHEDULE "S"

NO SKATEBOARDING AREA

No skateboarding allowed in the areas of:

STREET	LOCATION
W. Adams Ave.	N. Third to N. Main St.
W. Division	Third St. to Main St.
W. Grant Ave.	S. Third St. to S. Main St.
W. Hayes Ave.	S. Third St. to S. Main St.
W. Jefferson St.	N. Third to N. Main St.
W. Johnson Ave.	S. Third St. to S. Main St.
W. Lincoln Ave.	S. Third to S. Main St.
W. Madison	N. Third to N. Main St.
Main St.	Monroe to Route 40
W. Monroe	N. Third to N. Main St.
Second St.	W. Monroe to Division
Third St.	W. Monroe to Route 40
W. Washington Ave.	N. Third to N. Main St.

(Ord. No. 417-06; 10-09-06)

CHAPTER 25 - NUISANCES

ARTICLE		TITLE	PAGE
I	GENERALLY		
	Section 25-1-1 -	Specific Nuisances Enumerated	25-1
	Section 25-1-2 -	Nuisances Detrimental to Health Generally	25-3
	Section 25-1-3 -	Notice to Abate	25-3
	Section 25-1-4 -	Abatement by City	25-4
	Section 25-1-5 -	Failure to Comply with Notice	25-4
	Section 25-1-6 -	Lien	25-4
	Section 25-1-7 -	Payment	25-4
	Section 25-1-8 -	Foreclosure of Lien	25-4
II	WEEDS		
	Section 25-2-1 -	Definition	25-5
	Section 25-2-2 -	Height	25-4
	Section 25-2-3 -	Notice	25-5
	Section 25-2-4 -	Service of Notice	25-5
	Section 25-2-5 -	Abatement	25-5
	Section 25-2-6 -	Lien	25-5
	Section 25-2-7 -	Payment	25-5
	Section 25-2-8 -	Foreclosure of Lien	25-5
III	GARBAGE AND DEBRIS		
	Section 25-3-1 -	Accumulation Prohibited	25-6
	Section 25-3-2 -	Notice to Person	25-6
	Section 25-3-3 -	Service of Notice	25-6
	Section 25-3-4 -	Abatement	25-6
	Section 25-3-5 -	Lien	25-6
	Section 25-3-6 -	Payment	25-6
	Section 25-3-7 -	Foreclosure of Lien	25-6
IV	INOPERABLE MOTOR VEHICLE		
	Section 25-4-1 -	Definitions	25-7
	Section 25-4-2 -	Declaration of Nuisance	25-7
	Section 25-4-3 -	Notice to Owner	25-7
	Section 25-4-4 -	Exclusions	25-7
V	PUBLIC CAMPING		
	Section 25-5-1 -	Public Camping	25-8
VI	DANGEROUS AND UNSAFE PROPERTIES		
	Section 25-6-1 -	Adoption by Reference	25-11
VII	PENALTIES AND SPECIAL ASSESSMENT		
	Section 25-7-1 -	Special Assessment	25-11

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 City, for any person, firm or corporation within the limits of the City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

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

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

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another, or to permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the City or within **one and one-half (1 ½) miles** of the City limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

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

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter or material objects of any size or description to fall upon the streets of the City 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 City.

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

(AA) **Materials susceptible to Becoming Windborne.**

(1) It shall be unlawful for any person to operate or maintain or cause to be operated or maintained any building, structure or premises, open building, demolition or wrecking operation, or any other enterprise without taking reasonable precautions to minimize atmospheric pollution.

(2) It shall be unlawful for any person to cause or permit the handling, loading, unloading, storing, transferring, transporting, placing, discarding or scattering of any ashes, fly ash, cinders, slag or dust collected from any combustion process, any dust, dirt, chaff, waste paper, trash, rubbish, waste, or refuse matter of any kind, or any other substance or material whatever, which is likely to be scattered by the wind, or is susceptible to being windborne, without taking reasonable precautions to minimize atmospheric pollution.

(BB) **Mechanical Equipment Noise.**

(1) Except temporarily in the case of urgent necessity to protect public health or safety, no person shall cause or permit the operation of any blower, fan, pump, or compressor, or engine or motor in connection therewith including without limitation stationary motor vehicle engines, fixed or vehicle-mounted heating, ventilation, refrigeration or cooling systems, pool filtration systems, generators or other such mechanical equipment, which emits noise of a continuous or penetrating nature that disturbs the comfort or repose of any reasonable person of ordinary sensibilities occupying residential property within the area of audibility, if the sound level of such noise exceeds the residential noise level standards in subsection (2) of this paragraph.

(2) Noise defined in paragraph (1) of this Section, emitted from any property shall not exceed the average sound levels set forth in subsections (a) and (b) of this Section upon any portion of any other property if such other property is zoned for residential use.

(a) Between 10:00 P.M. and 7:00 A.M.: sixty-three (63) decibels (dBA).

(b) Between 7:00 A.M. and 10:00 P.M.: sixty-eight (68) decibels (dBA).

(CC) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances and abating them within the City 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 City if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 NOTICE TO ABATE. Whenever the Superintendent, Mayor or Police Chief finds that a nuisance exists, he shall deliver or 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 City Council.

(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 City will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 ABATEMENT BY CITY. If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City 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 City Clerk who shall pay such expenses on behalf of this City. **(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 City shall not be required to issue another notice where the condition or violation is at first abated but later resumed and/or repeated.

25-1-6 LIEN. Charges for removal of the specified nuisance shall be a lien upon the premises. A bill representing the cost and expense including any and all reasonable legal fees and court costs incurred by the City in enforcing this Article and 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 City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-1-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if the address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City 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.

25-1-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid 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 City, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

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

ARTICLE II - WEEDS

25-2-1 DEFINITION. "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, 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 City. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 NOTICE. The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

25-2-4 SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 ABATEMENT. If the person so served does not abate the nuisance within **five (5) days,** the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 LIEN. Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City 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 City 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 City 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 City after the lien is in effect for **sixty (60) days.**

(65 ILCS 5/11-20-6 and 5/11-20-7)

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

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 NOTICE TO PERSON. The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 ABATEMENT. If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 LIEN. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City 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 City 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 City 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 City, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)

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

ARTICLE IV - INOPERABLE OR UNLICENSED 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.

"UNLICENSED MOTOR VEHICLES" shall mean any motor vehicle which, for a period of at least **thirty (30) days**, has not been licensed by the State of Illinois or by any other state. "Unlicensed Motor Vehicle" shall not include a motor vehicle for which the license expired less than **thirty (30) days** earlier.

25-4-2 DECLARATION OF NUISANCE. All inoperable or unlicensed motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

25-4-3 NOTICE TO OWNER. The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable or unlicensed vehicles under his control. If the owner fails to dispose of said vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable or unlicensed vehicle or parts thereof.

25-4-4 EXCLUSIONS. Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

(65 ILCS 5/11-40-3)

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

ARTICLE V – PUBLIC CAMPING

25-5-1 PUBLIC CAMPING.

(A) **Public Camping as a Nuisance.** Public Camping as the term is defined herein, is hereby declared to be a nuisance within the City.

(B) **Regulation of Public Camping Necessary to Promote Public Health.** In an effort to address the public health concerns identified above, the City hereby declares it necessary or expedient for the promotion of health or the suppression of diseases to regulate Public Camping, as that term is defined herein, within the City's corporate limits.

(C) **Public Camping Not Intended Use of Public Property.** Except for those parcels of property specifically designated by the City in any subsequent ordinance, the City hereby declares that none of its property is permitted nor intended to be used for Public Camping, as the term is defined herein.

(D) **Definitions.** The following definitions apply to this Section:

(1) **"Bedding"** means a sleeping bag, or any other material, used for bedding purposes.

(2) **"Campsite"** means any physical space that is not within an established structure, where Bedding or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.

(3) **"Exempt Personal Property"** means items which would otherwise constitute Personal Property under the terms of this Section, but which (a) has no apparent utility or monetary value; (b) Personal Property which is unsanitary to store or otherwise maintain; (c) any weapon possessed illegally; (d) drug paraphernalia; (e) items appearing to be stolen or otherwise appearing to be evidence of a crime; (f) items which the person cannot demonstrate the requisite lawful authority to possess; and (g) any items of food which can reasonably be expected to spoil or otherwise perish within the next **thirty (30) days**.

(4) **"Personal Property"** means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value, except for Exempt Personal Property.

(5) **"Public Camping"** means to cause or participate in the establishment of, or the act of remaining in or at, a Campsite.

(E) **Public Camping Prohibited.**

(1) No person may sleep, nor otherwise engage in Public Camping, on a public sidewalk, street, alley, lane, other public right-of-way, park, bench, or any other publicly owned property, nor on or under any bridge or viaduct, at any time.

(2) No person may sleep, nor otherwise engage in Public Camping, in any pedestrian or vehicular entrance to public or private property abutting a public right-of-way.

(3) No person may sleep, nor otherwise engage in Public Camping, on any real property owned or otherwise maintained by the City.

(4) No person may park a vehicle overnight within the City for the purpose of sleeping or otherwise engaging in Public Camping in said vehicle.

(5) For the purposes of this Section, the act of parking or leaving a vehicle parked for **two (2) consecutive hours**, and/or remaining within a public vehicle on any property under the jurisdiction of the City for the purpose of Public Camping, for **two (2) consecutive hours** without permission from the City Council, between the hours

of midnight and 6:00 a.m., shall be considered a violation of this Section.

(F) **Exceptions to Prohibition.** Notwithstanding the foregoing, it shall not be a violation to engage in Public Camping when done (1) in a manner specifically authorized by this Code; (2) after a formal declaration of the City in emergency circumstances; or, (3) upon resolution of the City Council, the same may exempt a special event from the prohibitions of this Section, if the City Council finds such exemption to be in the public interest and consistent with the goals and objectives of the City Council, and with such conditions imposed as the City Council deems necessary. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City for any liability, damage or expense incurred by the City as a result of the activities of the applicant. Any findings by the City Council shall specify the exact dates and location covered by the exemption.

(G) **Removal of Campsite.** Removal of a Campsite in violation of this Section may occur under the following circumstances:

(1) Prior to removing a Campsite, the city shall post a notice **twenty-four (24) hours** in advance of the removal, unless immediate removal of the Campsite is deemed to be necessary for one of the reasons in subparagraphs (a) – (d) below. If such immediate removal is undertaken, the basis for causing the immediate removal of such Campsite should be adequately documented by the appropriate person(s).

(a) Immediate removal of the Campsite is necessary to maintain access to a property;

(b) Immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;

(c) Immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or,

(d) Immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of the City and its residents.

(2) Upon any action pursuant to subsection (G)(1) above, the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the City, of the location of the Campsite and the persons found to be in violation of this Section, so said agency may determine whether or not it would be appropriate to offer its services to those persons.

(3) If a **twenty-four (24) hour** notice has been posted, and the **twenty-four (24) hour** notice period has passed, then the Campsite, as well as all Personal Property thereon, shall be removed by the appropriate person(s) acting on behalf of the City.

(4) No portion of this Section shall be construed to prohibit any person found to be engaging in Public Camping from removing their Personal Property from the Campsite; however, such Personal Property that constitutes Exempt Personal Property and which a reasonably prudent law enforcement officer, exercising the applicable constitutional standard, would conclude that said Exempt Personal Property constitutes items appearing to be stolen or otherwise appearing to be evidence of a crime, and/or items which the person cannot demonstrate the requisite lawful authority to possess, may be retained and stored as evidence.

(H) **Disposition and Release of Personal Property.**

(1) All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the appropriate law enforcement agency of the City, for a minimum of **thirty (30) days**,

during which time it shall be reasonably available for and released to an individual confirming ownership.

(2) All Exempt Personal Property may be disposed of or retained as evidence by the appropriate law enforcement agency of the City.

(I) **Penalty; Mitigation.**

(1) The penalty for any person's first violation of this Section within a rolling **twenty-four (24) month** period shall be **Seventy-Five Dollars ($75.00)**.

(2) The penalty for any person's second violation of this Section within a rolling **twenty-four (24) month** period shall be **One Hundred Fifty Dollars ($150.00)**.

(3) The penalty for any person's third violation of this Section within a rolling **twenty-four (24) month** period shall be **Three Hundred Fifty Dollars ($350.00)**.

(4) The penalty for any person's fourth violation of this Section within a rolling **twenty-four (24) month** period shall be **Five Hundred Dollars ($500.00)**.

(5) The penalty for any person's fifth violation of this Section within a rolling **twenty-four (24) month** period shall be **Seven Hundred Fifty Dollars ($750.00)**.

(6) The penalty for any person's sixth or subsequent violation of this Section within a rolling **twenty-four (24) month** period may be a monetary penalty of **Seven Hundred Fifty Dollars ($750.00)** or incarceration for a period not exceeding the maximum time allowed pursuant to Section 1-2-9 of the Illinois Municipal Code **(65 ILCS 5/1-2-9)**.

(7) As a substitute for any monetary penalty assessed pursuant to subparagraphs (1) through (6) above, and if consented to by the City, the penalty assessed to any person found in violation of this Section may be that said person must engage in public service by cleaning the rights-of-way and other public facilities of the City for an amount of time that, if the person found to have violated this Section was being paid the minimum wage under Illinois law, the amount paid for that person's labors would have been equal to the monetary penalty assessed under this Section.

(8) The City is hereby empowered to exercise all powers afforded to it, at law or in equity, to collect any fines assessed against a person pursuant to this Section, including but not limited to seeking incarceration of said person for a period of time that conforms with Section 1-2-9 of the Illinois Municipal Code **(65 ILCS 5/1-2-9)**.

(9) In the imposition of any penalty pursuant to this Section, the penalty shall be mitigated by whether or not the person immediately removed all Personal Property and litter, including but not limited to bottles, cans, and garbage, from the Campsite after the person was informed that the person was in violation of this Section.

(10) A separate offense of this Section shall be deemed committed on each day on which a violation occurs or continues.

(11) In addition to any other remedy provided by law or this Section, any person found in violation of this Section may be immediately removed from the premises where the Campsite is located.

(J) **Repeal of Conflicting Provisions.** All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Section and the Ordinance implementing this Section are, to the extent of the conflict, expressly repealed on the effective date of the Ordinance implementing this Section.

ARTICLE VI - DANGEROUS AND UNSAFE PROPERTIES

25-6-1 ADOPTION BY REFERENCE. The City may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the City and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the City does hereby adopt by reference the applicable provisions of **Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1** governing dangerous and unsafe buildings.

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

ARTICLE VII - PENALTIES AND SPECIAL ASSESSMENT

25-7-1 SPECIAL ASSESSMENT. In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in **Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq.**, and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

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

CITY OF ALTAMONT

NOTICE OF NUISANCE VIOLATION

TO: _____
_____
_____

You are hereby notified that the Police Chief or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at _____, within the corporate limits of this City contains an unlawful nuisance(s) as defined by Chapter 25 of the Revised Code of Ordinances as follows:

_____
_____
_____

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

_____
_____
_____

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

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

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

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

_____
CHIEF OF POLICE
CITY OF ALTAMONT

Dated this _____ day of _____, 20____.

CITY OF ALTAMONT

NOTICE OF UNLAWFUL WEED, PLANT, OR GRASS GROWTH

TO: _____
_____
_____

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

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

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

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

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

Any property subject to said lien may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. You are also subject to penalties as provided by the terms and provisions of the City code. The cost and expense of restitution, including all labor and material shall also be imposed as a penalty for each violation.

_____
CHIEF OF POLICE
CITY OF ALTAMONT

Dated this _____ day of _____, 20____.

CITY OF ALTAMONT

NOTICE OF UNLAWFUL GARBAGE AND/OR DEBRIS OR TRASH

TO: _____
_____
_____

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

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

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

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

_____
CHIEF OF POLICE
CITY OF ALTAMONT

Dated this _____ day of _____, 20_____.

CITY OF ALTAMONT

NOTICE OF INOPERABLE OR UNLICENSED VEHICLE

TO: _____
_____
_____

You are hereby notified that the Police Department has determined that an "inoperable or unlicensed vehicle(s)" owned by you and/or stored by you, or under your control as the case may be is located at _____, within the corporate limits of this City. That this constitutes an unlawful nuisance(s) as defined by **Chapter 25, Article IV, Section 25-4-1** of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable or unlicensed vehicles within **seven (7) days** from the date of this Notice.

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

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

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

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

_____
CHIEF OF POLICE
CITY OF ALTAMONT

Dated this _____ day of _____, 20_____.

CITY OF ALTAMONT

NOTICE OF DERELICT

TO: _____
_____
_____

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

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

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

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

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

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

_____
CHIEF OF POLICE
CITY OF ALTAMONT

Dated this ____ day of _____, 20___.

CITY OF ALTAMONT

NOTICE OF DANGEROUS AND/OR UNSAFE BUILDING/STRUCTURE

TO: _____
_____
_____

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

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

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

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

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

(E) Dangerous and/or unsafe pursuant to any of the terms and provisions of the City Code of Ordinances, **Chapter 25, Nuisances, Article V, Dangerous and Unsafe Properties**.

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

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

The property is hereby legally described as follows: _____
_____
_____

Unless such building/structure is repaired, put into safe condition or demolished and all debris removed within **ninety (90) days** of the receipt of this Notice, the City shall apply to the Circuit Court for an order authorizing such action to be taken by the City with respect to the above-described building/structure. Any costs incurred by the City to restore the buildings to a safe condition or to demolish the building and remove debris shall be recovered from the owners of the above-described property pursuant to Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.

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

_____

Dated this ____ day of _____, 20___.

CHAPTER 27 - OFFENSES

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

ARTICLE		TITLE	PAGE
IV		PUBLIC HEALTH, SAFETY AND DECENCY	
	Section 27-4-1	- Disorderly Conduct; Elements of the Offense	27-15
	Section 27-4-2	- Resisting or Obstructing a Peace Officer	27-15
	Section 27-4-3	- Refusing to Aid an Officer	27-16
	Section 27-4-4	- Assembling at Public Places and Businesses	27-16
V		ANTI-LITTER	
	Section 27-5-1	- Definitions	27-17
	Section 27-5-2	- Littering Prohibited	27-17
	Section 27-5-3	- Prevention of Scattering	27-18
	Section 27-5-4	- Receptacles - Upsetting or Tampering	27-18
	Section 27-5-5	- Sidewalks and Alleys Free from Litter	27-18
	Section 27-5-6	- Owner to Maintain Private Premises	27-18
	Section 27-5-7	- Littering from Vehicles	27-18
	Section 27-5-8	- Littering from Aircraft	27-18
	Section 27-5-9	- Litter in Parks	27-18
	Section 27-5-10	- Handbills	27-18
	Section 27-5-11	- Posting Notices Prohibited	27-19
	Section 27-5-12	- Construction Sites	27-19
	Section 27-5-13	- Loading and Unloading Docks	27-19
	Section 27-5-14	- Parking Lots	27-19
VI		TRESPASS	
	Section 27-6-1	- Trespasses Prohibited	27-20
	Section 27-6-2	- Specifically Enumerated Trespasses – Suppression	27-20
VII		PARENTAL RESPONSIBILITY REGULATIONS	
	Section 27-7-1	- Definitions	27-21
	Section 27-7-2	- Parents and Guardians Responsible for Acts	27-21
VIII		TRUANCY AND CURFEW CODE	
	Section 27-8-1	- Definitions	27-22
	Section 27-8-2	- Compulsory School Attendance; Exemptions	27-22
	Section 27-8-3	- Enforcement and Compliance	27-24
	Section 27-8-4	- Penalty	27-24
IX		OPEN BURNING	
	Section 27-9-1	- Definitions	27-25
	Section 27-9-2	- Burning Prohibited	27-25
	Section 27-9-3	- Restrictions on Recreational Fire	27-25
	Section 27-9-4	- Exceptions	27-25
	Section 27-9-5	- Penalties	27-26
X		SKATEBOARDS AND TOY VEHICLES	
	Section 27-10-1	- Definitions	27-27
	Section 27-10-2	- Skateboarding on a Street	27-27
	Section 27-10-3	- Clinging to a Vehicle	27-27
	Section 27-10-4	- Yield Right-of-Way	27-27

ARTICLE	TITLE			PAGE
X	SKATEBOARDS AND TOY VEHICLES (CONTINUED)			
	Section 27-10-5	-	Skateboarding on Private Property	27-27
	Section 27-10-6	-	Skateboarding on Public Property	27-27
	Section 27-10-7	-	Skateboarding in the Business District	27-27
	Section 27-10-8	-	Damaging City Property	27-27
	Section 27-10-9	-	Skateboard Ramps	27-27
	Section 27-10-10	-	Agreement for Impoundment	27-27
XI	ADULT USES REGULATED			
	Section 27-112-1	-	Purpose and Additional Findings	27-28
	Section 27-11-2	-	Definitions	27-29
	Section 27-11-3	-	Prohibition	27-29
	Section 27-11-4	-	Limitation	27-29
	Section 27-11-5	-	Adult Entertainment Facility	27-30
XII	OBSCENITY			
	Section 27-12-1	-	Obscenity	27-31
	Section 27-12-2	-	Harmful Material	27-32
	Section 27-12-3	-	Tie-In Sales of Obscene Publications to Distributors	27-33
XIII	SMOKE FREE AIR CODE			
	Section 27-13-1	-	Background	27-34
	Section 27-13-2	-	Purpose	27-34
	Section 27-13-3	-	Definitions	27-34
	Section 27-13-4	-	Prohibition in Enclosed Public Places	27-35
	Section 27-13-5	-	Prohibition in Unenclosed Public Places and Outdoor Venues	27-36
	Section 27-13-6	-	Prohibition in Places of Employment	27-36
	Section 27-13-7	-	Prohibition in Open Air Dining Areas	27-36
	Section 27-13-8	-	Prohibition at Public Entrances	27-36
	Section 27-13-9	-	Designation of Other No-Smoking Areas	27-36
	Section 27-13-10	-	No Retaliation	27-36
	Section 27-13-11	-	Signs	27-36
	Section 27-13-12	-	Exemptions	27-37
	Section 27-13-13	-	Penalties	27-37
XIV	SYNTHETIC DRUGS			
	Section 27-14-1	-	Sale, Possession or Delivery of Synthetic Cocaine Prohibited	27-38
	Section 27-14-2	-	Sale, Possession or Delivery of Synthetic Cannabis Prohibited	27-39
XV	REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS			
	Section 27-15-1	-	Definitions	27-41
	Section 27-15-2	-	Prohibited Acts	27-41
	Section 27-15-3	-	Penalty	27-42
	Section 27-15-4	-	Other Provisions	27-42

ARTICLE		TITLE	PAGE
XVI	CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED		
	Section 27-16-1	- Definitions	27-43
	Section 27-16-2	- Cannabis Business Establishment Prohibited	27-43
	Section 27-16-3	- Public Nuisance Declared	27-44
	Section 27-16-4	- Enforcement	27-44
	Section 27-16-5	- Inspection	27-44
	Section 27-16-6	- Notice to Abate	27-44
	Section 27-16-7	- Penalty	27-44
XVII	CANNABIS AND DRUG PARAPHERNALIA		
	Section 27-17-1	- Definitions	27-45
	Section 27-17-2	- Cannabis; Persons Under Twenty-One (21) Years of Age	27-46
	Section 27-17-3	- Unlawful Possession of Cannabis	27-46
	Section 27-17-4	- Unlawful Use of Cannabis	27-47
	Section 27-17-5	- No Limitation of Cannabis Control Act	27-47
	Section 27-17-6	- Determination of Drug Paraphernalia	27-47
	Section 27-17-7	- Drug Paraphernalia Offenses	27-48
	Section 27-17-8	- Forfeiture of Property	27-49
	Section 27-17-9	- Prohibition of Possession of Weapons, Liquor and Drugs in the City Hall	27-49
	Section 27-17-10	- Penalty	27-49
XVIII	NOISE CONTROL		
	Section 27-18-1	- Definitions	27-50
	Section 27-18-2	- Excessive Sound Reproducing Devices	27-50
	Section 27-18-3	- Noise Prohibited	27-50
	Section 27-18-4	- Sound Amplification; Motor Vehicles	27-50
	Section 27-18-5	- Exceptions	27-50
	Section 27-18-6	- Enforcement	27-51
	Section 27-18-7	- Penalty	27-51

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 5/2-1 through 5/2-11; 5/2-13 through 5/2-22,** as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein. **(See 65 ILCS 5/1-3-2)**

27-1-2 CRIMINAL CODE ADOPTED. The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720,** as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply. **(See 65 ILCS 5/1-3-2 and 5/11-1-1)**

ARTICLE II - GENERALLY

27-2-1 DISTURBING POLICE OFFICER. No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the City owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. **(See 65 ILCS 5/11-1-1)**

27-2-2 IMPERSONATION OF OFFICER. No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office. **(See 65 ILCS 5/32-5.1)**

27-2-3 DISTURBING LAWFUL ASSEMBLIES. It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. **(See 65 ILCS 5/11-5-2)**

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

(A) the knowing or reckless use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law;

(B) the knowing assembly of **two (2)** or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor; or

(C) the knowing assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

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

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

27-2-6 DISTURBING THE PEACE. No person shall disturb the peace of any individual or private family, or of any lawful congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. **(See 65 ILCS 5/11-5-2)**

27-2-7 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 SALE OF CIGARETTES OR TOBACCO TO MINORS.

(A) No person under **twenty-one (21)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any person under **twenty-one (21) years of age.**

(B) No person under **sixteen (16) years of age** may sell any tobacco product at a retail establishment selling tobacco products. This subsection does not apply to a salesclerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

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

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

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

(1) within a retail establishment selling tobacco products, unless the retailer has verified the purchaser's age with a government issued identification;

(2) from a lunch wagon; or

(3) on a public way as a promotion or advertisement of a tobacco manufacturer or tobacco product.

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

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

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

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

(3) places where the vending machine can only be operated by the owner or an employee over age **twenty-one (21)** either directly or through a remote-control device if the device is inaccessible to all customers.

(G) The sale or distribution by any person of a tobacco product in this Section, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.
(See 720 ILCS 675/1)

27-2-9 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.
(See 65 ILCS 5/11-1-1)

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

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 City 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 City, 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 City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. **(See 65 ILCS 5/11-5-3)**

27-2-17 BEGGING. No person shall beg or solicit alms within the City without having obtained permission in writing from the Mayor. **(See 65 ILCS 5/11-5-4)**

27-2-18 CONCEALED WEAPONS. No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or handgun, without being the holder of an Illinois Concealed Carry License. Additionally, no person, shall within the City, carry or wear under his clothes or conceal about his person any slingshot, cross knuckles, knuckles of lead, brass or other metal, switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal. **(See 430 ILCS 66/1 et seq.) (Ord. No. 562-14; 11-10-14)**

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 City or so that the bullet, arrow, missile or projectile therefrom enters the City 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 City 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. **(See 65 ILCS 5/11-1-1)**

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 City, 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 City in any quantity exceeding **five (5) pounds. (See 65 ILCS 5/11-8-4)**

27-2-22 THROWING ROCKS. No person in the City 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 City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-24 FORTUNE TELLING. No person in the City 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 430 ILCS 150/0.01)**

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 City, either masked or unmasked, except on a day designated by the City Council and no later than **8:00 P.M. (See 65 ILCS 5/11-1-5)**

27-2-27 THEFT OF RECYCLABLES UNLAWFUL. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the City limits unless said person is acting as an agent for the City or acting as an agent for a waste hauler licensed by the City.

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 City 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 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 430 ILCS 165/1)**

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 police officer or the owner, operator or other person in control of the premises.

(10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B) **Offenses.**

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City 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 City during curfew hours.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) **Defenses.**

(1) It is a defense to prosecution under subsection (B) that the minor was:

(a) Accompanied by the minor's parent or guardian;

(b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(c) In a motor vehicle involved in interstate travel;

(d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) Involved in an emergency;

(f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, 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 City, a civic organization or another similar entity that takes responsibility for the minor;

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.

(2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present. **(See 65 ILCS 5/11-1-5)**

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 singing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial

service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates. **(See 720 ILCS 5/26-6 in part)**

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 5/11-1-1)

27-2-34 FALSE REPORT OF THEFT AND OTHER LOSSES. It is unlawful for a person to knowingly make a false report of a theft, destruction, damage or conversion of any property to a law enforcement agency or other governmental agency with the intent to defraud an insurer. **(See 65 ILCS 5/11-1-1)**

27-2-35 HARASSING AND OBSCENE COMMUNICATIONS.

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

(1) **Electronic communication** means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

(2) **Family or household member** includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between **two (2)** individuals in business or social contexts shall be deemed to constitute a dating relationship.

(3) **Harass or harassing** means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the

circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

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

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

(2) The trier of fact may infer intent to offend from the use of language or terms which are obscene, lewd or immoral.

(C) **Harassment by Telephone.**

(1) A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes:

(a) making any comment, request, suggestion or proposition which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;

(b) making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;

(c) making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;

(d) making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;

(e) making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under **thirteen (13) years of age**, regardlessof whether the person under **thirteen (13) years of age** consents to the harassment, if the defendant is at least **sixteen (16) years of age** at the time of the commission of the offense; or

(f) knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

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

(See 720 ILCS 5/26.5)

27-2-36 TOBACCO AND ELECTRONIC SMOKING DEVICES.

(A) **Definitions.** For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

(1) **Tobacco Products.** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, nicotine gels and dissolvable nicotine products or any electronic smoking device.

(2) **Electronic Smoking Device.** An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other regulated substances. "Electronic smoking device" includes any such

device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, hookah pen, vape pens or any other product name or descriptor. An electronic smoking device excludes any product approved by the United States Food and Drug Administration as a nontobacco product used for medicinal purposes and is being marketed and sold solely for that approved purpose.

(B) **Purchases by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to purchase tobacco products or electronic smoking devices, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products and electronic smoking devices.

(C) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to possess any tobacco products or electronic smoking devices, provided that the possession by a person under the age of **twenty-one (21) years** under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(D) **Use in City Park.** It shall be unlawful for any person to smoke tobacco products and electronic smoking devices in the City Park.

27-2-37 MDPV AND KRATOM PROHIBITED.

(A) **Purposes.** This Section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City by prohibiting the retail sale, use, possession, distribution or delivery of any substance containing MDPV or Kratom as hereinafter defined, it being the specific finding of the City that such substances have a dangerous effect upon anyone using and/or ingesting said substances and have no medicinal or beneficial purposes.

(B) **Definitions.** When used in this Section, the following words have the meanings as hereinafter provided:

(1) **Use.** The partaking, inhaling, smoking, consumption, ingestion or injection of MDPV or Kratom.

(2) **Deliver.** The actual, constructive, or attempted transfer from one person to another of MDPV or Kratom, whether or not there is an agency relationship, and includes a sale.

(3) **Distribute.** To deliver other than by administering or dispensing MDPV or Kratom.

(4) **MDPV.** Includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3.4 Methylenedioxyprovalerone, Methylone, Mephedrone, 4-methoxymethcathinone, 4-Fluormethcathinine, and 3-Fluoromethcathinone.

(5) **Kratom.** Means any parts of the plant Mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine, as defined in Section 5(a) of the Kratom Control Act, **720 ILCS 642/5(a)**, as may be amended.

(6) **Possess** means with the knowledge of the presence and nature of a substance, either actually or constructively in control of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control

over the substance either directly or through another person or persons is in constructive possession of it.

(C) **General Prohibition.** It shall be unlawful for any person to use, possess, distribute or delivery any substance containing MDPV, Kratom or 7-OH as defined in this Section.

(D) **Retail Sale Prohibited.** It shall be unlawful for any business or person to offer for sale or sell at retail any product containing MDPV or Kratom as defined by this Section. Any produce advertised or labeled as containing MDPV or Kratom as defined by this Section shall be presumed to be a product prohibited by this Section. A business may be held strictly liable for violations committed by its employees, regardless of actual or constructive knowledge.

(E) **Suspension or Revocation of License.** In addition to any fine that may be imposed, any business license issued pursuant to **Chapter 7** or liquor license issued pursuant to **Chapter 21** may be suspended or revoked for a violation of this Section by the licensee, its employee(s) or agent(s).

27-2-38 ILLICIT THC PRODUCTS PROHIBITED.

(A) **Purposes.** This Section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City by prohibiting the retail sale, use, possession, distribution or delivery of any substance containing Illicit THC as hereinafter defined, it being the specific finding of the City that such substances have a dangerous effect upon anyone using and/or ingesting said substances, and such substances have no practical medicinal or beneficial purposes.

(B) **Definitions.** When used in this Section, the following words have the meanings as herein provided:

(1) **Illicit THC or Illicit THC Product.** Any product, material, compound, isomer, acid, salt, mixture, or preparation:

(a) Used or intended for human consumption by any means, including without limitation, inhalation, smoking or oral ingestion; and

(b) That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under, and in accordance with, the Compassionate Use of Medical Cannabis Program Act **(410 ILCS 130/1, et seq.)** or the Cannabis Regulation and Tax Act **(410 ILCS 705/1-1 et seq.)**; and

(c) That contains or claims to contain: (i) any amount of synthetic cannabinoids of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 THC, and delta-10 THC, (ii) a total delta-9 THC content concentration level in excess of 0.3% on a dry weight basis, (iii) a total delta-9 THC content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein, or (iv) any other hemp or cannabis derived product which is psychoactive either in natural state or is converted to psychoactive through common ingestion methods such as applying heat (burning), digestion or at-home chemical modifications.

(2) **Synthetic Cannabinoid.** A cannabinoid-like compound that was produced using chemical synthesis, chemical modification, or chemical conversion, including in vitro biosynthesis or other bioconversion of such a method. Synthetic cannabinoids include the conversion of cannabinoids from one chemical structure to

another, such as THC that was produced by the conversion of cannabidiol.

(3) **Tetrahydrocannabinol or "THC".** Any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol or tetrahydrocannabinolic acid (THC-A), including without limitation, delta-8 THC, delta-9 THC, delta-10 THC, tetrahydrocannabolic acid, tetrahydrocannabipherol (THC-P), or hexahydrocannabinol (HHC), however derived. For the purposes of this definition, "isomer" means optical, position, and geometric isomers.

(4) **Total Delta-9 THC Content.** The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 THC content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique which keeps the THCA intact, and using the following conversion which calculates the potential total THC in a given sample:

Total THC=(THCAx0.877)+∆9-THC
* THCA: the amount of THCA in the product
* ∆9-THC: any already-decarboxylated THC present
* 0.877: the molecular weight ratio (THC/THCA), accounting for loss of CO2

(5) **Use.** The partaking, inhaling, smoking, consumption, ingestion or injection of Illicit THC.

(6) **Deliver.** The actual, constructive, or attempted transfer from one person to another of Illicit THC, whether or not there is an agency relationship, and includes a sale.

(7) **Distribute.** To deliver other than by administering or dispensing Illicit THC.

(8) **Possess.** Means with knowledge of the presence and nature of a substance, either actually or constructively in control of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

(C) **General Prohibition.** It shall be unlawful for any person to use, possess, distribute or deliver any substance containing Illicit THC as defined in this Section.

(D) **Retail Sale Prohibited.** It shall be unlawful for any business or person to offer for sale or sell at retail any product containing Illicit THC as defined by this Section. Any product advertised or labeled as containing Illicit THC as defined by this Section shall be presumed to be a product prohibited by this Section. A business may be held strictly liable for violations committed by its employees, regardless of actual or constructive knowledge.

(E) **Suspension or Revocation of License.** In addition to any fine that may be imposed, any business license issued pursuant to **Chapter 7** or liquor license issued pursuant to **Chapter 21** may be suspended or revoked for a violation of this Section by the licensee, its employee(s) or agent(s).

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

ARTICLE III - OFFENSES AGAINST PROPERTY

27-3-1 PETTY THEFT. A person commits theft when he or she knowingly:

(A) obtains or exerts unauthorized control over property of the owner; or

(B) obtains by deception, control over property of the owner; or

(C) obtains by threat, control over property of the owner; or

(D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; or

(E) obtains or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen; and

(1) intends to deprive the owner permanently of the use or benefit of the property; or

(2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or

(3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(F) It shall be unlawful to commit a theft.

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

27-3-2 CRIMINAL DAMAGE TO PROPERTY. A person commits criminal damage to property when he or she:

(A) knowingly damages any property of another;

(B) recklessly by means of fire or explosive damages property of another;

(C) knowingly start a fire on the land of another;

(D) knowingly injure a domestic animal of another without his or her consent;

(E) knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building;

(F) knowingly damages any property, other than as described in paragraph (2) of subsection (a) of Section 20-1, with intent to defraud an insurer;

(G) knowingly shoots a firearm at any portion of a railroad train;

(H) knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private fire-fighting equipment or any apparatus appertaining to firefighting equipment; or

(I) intentionally, without proper authorization, opens any fire hydrant.

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

27-3-3 INJURY TO UTILITY WIRES AND POLES. It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric light post, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them. **(See 65 ILCS 5/11-1-1)**

27-3-4 DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED. It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the City. **(See 65 ILCS 5/11-1-1)**

27-3-5 TAMPERING WITH PUBLIC NOTICE. It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(See 720 ILCS 5/32-9)**

ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY

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

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

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

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

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

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

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

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

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

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

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

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

(L) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(M) while acting as a collection agency as defined in the Collection Agency Act or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.

(See 720 ILCS 5/26-1)

27-4-2 RESISTING OR OBSTRUCTING A PEACE OFFICER. A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(See 720 ILCS 5/31-1)**

27-4-3 REFUSING TO AID AN OFFICER. A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

(A) apprehending a person whom the officer is authorized to apprehend; or

(B) preventing the commission by another of any offense.

(See 720 ILCS 5/31-8)

27-4-4 ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

(A) **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two inches (2") or more in height and readable:

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

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

ARTICLE V - ANTI-LITTER

27-5-1 DEFINITIONS. For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

(A) advertise for sale any merchandise, product, commodity or thing; or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the City.

"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 City 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 City 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 City, 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 City.

27-5-9 LITTER IN PARKS. No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 HANDBILLS.

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar

material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

(See 65 ILCS 5/11-1-1 and 415 ILCS 105/1 et seq.)

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1,** and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

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

ARTICLE VII - PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 DEFINITIONS. For the purpose of this Article, the following definitions shall apply:

"ACTS OF VANDALISM AND SIMILAR OFFENSES" shall include any of the following acts:

(A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the City, 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 City, following said adjudication or non-judicial sanctions; and

(C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

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

ARTICLE VIII – TRUANCY

27-8-1 DEFINITIONS.

(A) A **"truant"** is defined as a child who is subject to compulsory attendance and who is absent without valid cause, as defined under this Section, from such attendance for more than **one percent (1%)** but less than **five percent (5%)** of the past **one hundred eighty (180) school days**.

(B) **"Establishment"** means any privately owned place of business to which the public is invited, including but not limited to any place or amusement or entertainment.

(C) **"Valid cause"** for absence shall be illness, including the mental or behavioral health of the student, attendance at a verified medical or therapeutic appointment, appointment with a victim services provider, observance of a religious holiday, death in the immediate family, or family emergency and shall include such other situations beyond the control of the student as determined by the board of education in each district or such other circumstances which cause reasonable concern to the parent for the mental, emotional, or physical health or safety of the student. For purposes of a student who is an expectant parent, or parent, or victim of domestic or sexual violence, "valid cause" for absence includes:

(1) the fulfillment of a parenting responsibility, including, but not limited to, arranging and providing childcare, caring for a sick child, attending prenatal or other medical appointments for the expectant student, and attending medical appointments for a child, and

(2) addressing circumstances resulting from domestic or sexual violence, including, but not limited to, experiencing domestic or sexual violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization, as defined in **105 ILCS 5/26A-1 et seq.**, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies, or taking any other action to increase the safety or health of the student or to protect the student from future domestic or sexual violence. A school district may require a student to verify his or her claim of domestic or sexual violence under **105 ILCS 5/26A-45** prior to the district approving a valid cause for an absence of **three (3)** or more consecutive days that is related to domestic or sexual violence.

(D) **"Religion"** for the purposes of this Article, includes all aspects of religious observance and practice, as well as belief.

27-8-2 COMPULSTORY SCHOOL ATTENDANCE; EXEMPTIONS. Whoever has custody or control of any child (i) between the ages of **seven (7)** and **seventeen (17) years** (unless the child has already graduated from high school) for school years before the 2026-2027 school year or (ii) between the ages of **six (6)** (on or before September 1) and **seventeen (17) years** (unless the child has already graduated from high school) beginning with the 2026-2027 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in **105 ILCS 5/10-19.2**, and during a required summer school program established under **105 ILCS 5/10-22.33B**; provided, that the following children shall not be required to attend the public schools:

(A) Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

(B) Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed

in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, **225 ILCS 60/1 et seq.**, a licensed advanced practice registered nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends, with absence for cause by illness being required to include the mental or behavioral health of the child for up to **five (5) days** for which the child need not provide a medical note, in which case the child shall be given the opportunity to make up any school work missed during the mental or behavioral health absence and, after the second mental health day used, may be referred to the appropriate school support personnel; the exemptions in this paragraph (B) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

(C) Any child necessarily and lawfully employed according to the provisions of the Child Labor Law of 2024, **820 ILCS 206/1 et seq.**, may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part-time continuation schools, children so excused shall attend such schools at least **eight (8) hours** each week;

(D) Any child over **twelve (12)** and under **fourteen (14) years** of age while in attendance at confirmation classes;

(E) Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study, or work requirements on a particular day or days or at a particular time of day because of religious reasons, including the observance of a religious holiday or participation in religious instruction, or because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. A school board may require the parent or guardian of a child who is to be excused from attending school because of religious reasons to give notice, not exceeding **five (5) days**, of the child's absence to the school principal or other school personnel. Any child excused form attending school under this paragraph (E) shall not be required to submit a written excuse for such absence after returning to school.

(F) Any child **sixteen (16) years** of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph (C) of this Section and (ii) is enrolled in a graduation incentives program pursuant to **105 ILCS 5/26-16** or an alternative learning opportunities program established pursuant to **105 ILCS 5/13B-1 et seq.**;

(G) A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph (G), the student shall notify the school's administration at least **two (2) days** prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least **two (2) days** advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this paragraph (G) shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph (G) must be allowed a reasonable time to make up schoolwork missed during the absence. If the student satisfactorily completes the schoolwork, the day of absence shall be counted as a day of compulsory attendance, and he or she may not be penalized for that absence; and

(H) Any child absent from a public school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active-duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-supported postings. Such a student shall be granted **five (5) days** of excused absences in any school year and, at the discretion of the school board, additional excused absences to visit the student's parent or legal

guardian relative to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this paragraph (H), the student and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his or her return to school from such period of excused absence.

Any child from a public middle school or high school, subject to guidelines established by the State Board of Education, shall be permitted by a school board **one (1)** school day-long excused absence per school year for the child who is absent from school to engage in a civic event. The school board may require that the student provide reasonable advance notice of the intended absence to the appropriate school administrator and require that the student provide documentation of participation in a civic event to the appropriate school administrator.

27-8-3 ENFORCEMENT AND COMPLIANCE.

(A) If any person fails to send any child under his custody or control to some lawful school, the truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall, as soon as practicable after he is notified thereof, give notice in person or by mail to such person that such child shall be present at the proper public school on the day following the receipt of such notice. The notice shall state the date that attendance at school must begin and that such attendance must be continuous and consecutive in the district during the remainder of the school year. The truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee shall at the same time that such notice is given notify the teacher or superintendent of the proper public school thereof and the teacher or superintendent shall notify the truant officer or regional superintendent of schools of any noncompliance therewith.

(B) Except for a school district organized under **105 ILCS 5/34-1 et seq.**, a truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in **Section 27-8-3(A)**, shall determine whether the notice has been complied with. If **three (3)** notices have been given and the notices have not been complied with, and if the persons having custody or control have knowingly and willfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the child is truant, the regional superintendent shall, if age appropriate at the discretion of the regional superintendent, require the student to complete **twenty (20)** to **forty (40) hours** of community service over a period of **ninety (90) days**.

(C) If the truancy persists, the regional superintendent shall make a complaint against the persons having custody or control to the City Attorney for prosecution in the Jackson County Circuit Court for failure to comply with the provisions of this Article.

27-8-4 PENALTY. Any person having custody or control of a child subject to the provisions of this Article to whom notice has been given of the child's truancy and who knowingly and willfully permits such a child to persist in his truancy within that school year, upon conviction thereof shall be guilty and be fined as provided in **Section 1-1-20** of this Code.

Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school for **three (3) consecutive school days**, upon conviction thereof shall be guilty and be fined as provided in **Section 1-1-20** of this Code.

Any owner, operator or employee of an establishment who permits a child subject to the provisions of this Article to be present or remain upon the premises of the establishment during the time school is in session time during the regular school term, upon conviction thereof shall be guilty and be fined as provided in **Section 1-1-20** of this Code.

ARTICLE IX - OPEN BURNING

27-9-1 DEFINITIONS. Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

"RECREATIONAL BONFIRE" means a small outdoor fire, such as a campfire, conducted as a picnic or ancillary feature of a social event, such as a picnic or outdoor gathering. **(Ord. No. 492-11; 10-10-11)**

27-9-2 BURNING PROHIBITED. It shall be unlawful to burn any materials or substances, including agricultural or landscape waste, within the City limits, other than for the preparation of food on a temporary or permanent fireplace grill or barbecue pit or as otherwise provided herein. **(Ord. No. 492-11; 10-10-11)**

27-9-3 RESTRICTIONS ON RECREATIONAL FIRE. A recreational bonfire shall be permitted only with the following conditions:

(A) All recreational bonfires shall be attended by a responsible person **eighteen (18) years** or older.

(B) A garden hose connected to a water supply or other fire extinguishing equipment shall be readily available.

(C) The recreational bonfire location is not less than **thirty (30) feet** from any structure and adequate provisions are made to prevent the fire from spreading to within **thirty (30) feet** of any structure.

(D) The fire shall be maintained within a ring measuring a maximum of **three (3) feet** in diameter made of non-combustible materials to prevent the spread of fire.

(E) The fire shall be permitted between the hours of **5:00 p.m.** and **Midnight**.

(F) Materials burned shall be only clean, dry wood. The burning of twigs, leaves, grass or other similar landscape waste material is prohibited.

(G) Only **one (1)** recreational bonfire shall be permitted at any one time at any given location.

(H) No recreational fires shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(Ord. No. 492-11; 10-10-11)

27-9-4 EXCEPTIONS. The following exceptions shall apply to this Article:

(A) Duly organized units of government shall be exempt from this provision when conducting a controlled burn for environmental or ecological purposes.

(B) **Section 27-9-3(C)** shall not include commercially produced or constructed fireplaces, portable fire pits, chimineas and patio hearths used and installed as directed by manufacturer's safety instructions.
(Ord. No. 492-11; 10-10-11)

27-9-5 **PENALTIES.** Any person violating these conditions shall be fined accordingly:

1st offense	Not less than $50.00
2nd offense	Not less than $100.00
Subsequent offenses	Not less than $300.00

(Ord. No. 492-11; 10-10-11)

ARTICLE X – SKATEBOARDS AND TOY VEHICLES

27-10-1 DEFINITIONS. As used in this Article, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A) **Business District.** The City business district.

(B) **Skateboard.** A device with wheels for riding upon, usually standing, including, without limitations, skateboards of all types.

(C) **Toy Vehicles.** Coasters, scooters, roller skates, or any other non-motorized device with wheels or rollers upon which a person may ride. This definition does not apply, so long as they are used for the purposes for which they are intended, to wagons, wheelchairs and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or to bicycles, or to carts or other devices intended and used for transporting merchandise or materials. **(See Chapter 24, Article II)**

27-10-2 SKATEBOARDING ON A STREET. No person shall operate a skateboard or toy vehicle on a public street if there is a sidewalk adjacent to such street. If no sidewalk exists, skateboards may be ridden on the street providing street riding shall be done as far to the right side of the road as possible, and in the same direction as traffic.

27-10-3 CLINGING TO A VEHICLE. No person operating a skateboard, toy vehicle, or other non-motorized device shall attach himself or herself to any vehicle upon a roadway.

27-10-4 YIELD RIGHT-OF-WAY. Any person operating a skateboard or other toy vehicle must yield right of way to any pedestrian or motor vehicle.

27-10-5 SKATEBOARDING ON PRIVATE PROPERTY.

(A) No person shall operate a skateboard or toy vehicle on the premises of any business, residence, or other private property in violation of a sign complying with this Section.

(B) Areas in which skateboarding or operation of a toy vehicle is prohibited must be indicated by one or more signs which are positioned to provide notice and which contain the words "No Skateboarding" or any other word or combination of words indicating that skateboarding or operation of a toy vehicle is prohibited. Letters on the sign must be clearly legible.

27-10-6 SKATEBOARDING ON PUBLIC PROPERTY. No person shall operate a skateboard or toy vehicle in, upon, or on the grounds of any public property.

27-10-7 SKATEBOARDING IN THE BUSINESS DISTRICT. No person shall operate a skateboard or toy vehicle within the City's business district.

27-10-8 DAMAGING CITY PROPERTY. No person shall operate a skateboard or toy vehicle on or against any municipal-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other improvement which may suffer damage by such use.

27-10-9 SKATEBOARD RAMPS. No person shall use or place a ramp, jump, or any other device used to force a skateboard or toy vehicle off the pavement on the grounds of the municipal-owned parking lot, park or sidewalk.

27-10-10 AGREEMENT FOR IMPOUNDMENT. In place of any other penalty provided by law, any person violating this Article may, for a first offense, agree to have the skateboard or play vehicle impounded by the Police Department for **one (1) week**.

ARTICLE XI – ADULT USES REGULATED

27-11-1 PURPOSE AND ADDITIONAL FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the City. 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 City Council 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 City will be promoted by the enactment of this Article.

27-11-2 DEFINITIONS. As used in this Article:

(A) ***"Adult Oriented Business"*** means an establishment as defined in the City Code.

(B) ***"Entity"*** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) ***"Nude"*** means the showing of:

(1) Human male or female genitals or pubic area with less than a fully opaque covering; or

(2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

(3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) ***"Person"*** means any live human being aged **ten (10) years** of age or older.

(E) ***"Place Provided or Set Apart for Nudity"*** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) ***"Public Place"*** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-11-3 PROHIBITION. It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-11-4 LIMITATION. This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

27-11-5 ADULT ENTERTAINMENT FACILITY. It is prohibited within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. **(See 65 ILCS 5/11-5-1.5)**

ARTICLE XII - OBSCENITY

27-12-1 OBSCENITY.

(A) **Elements of the Offense.** A person commits an obscenity offense when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

(1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or

(2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or

(3) publishes, exhibits or otherwise makes available anything obscene; or

(4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or

(5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or

(6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

(1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and

(2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and

(3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other especially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

(1) the character of the audience for which the material was designed or to which it was directed;

(2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

(3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;

(4) the degree, if any, of public acceptance of the material in this State;

(5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;

(6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate. **(See 65 ILCS 5/11-5-1)**

27-12-2 HARMFUL MATERIAL.

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) **Definitions.**

(1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.

(2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.

(3) **"Distribute"** means to transfer possession of material whether with or without consideration.

(4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

(1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.

(2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.

(3) Proof that the defendant demanded was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:

(a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency

thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.

(4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

"NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor."

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(See 65 ILCS 5/11-5-1)**

27-12-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS. Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(See 720 ILCS 5/11-22)**

ARTICLE XIII – SMOKE FREE AIR CODE

27-13-1 BACKGROUND. Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the City, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

27-13-2 PURPOSE. This Article may be cited as the "Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within **twenty-five (25) feet** of all public entrances to such places, in open air public dining areas and within **twenty-five (25) feet** of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

27-13-3 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

"Business" means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.

"Club" means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

"Employee" means any person who is employed or retained by a business and shall include the owner or operator of a sole proprietorship or other similar business entity.

"Employer" means any business that employs one or more employees.

"Enclosed Area" means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

"Open Air Dining Area" means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engage din purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

"Outdoor Event" means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

"Outdoor Venue" means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

"Place of Employment" means an area under the control of a public or private employer within the City that employees normally frequent during the course of employment, and

includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

"Park" means a public park or recreation area that is open to and used by the general public.

"Public Entrance" means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

"Public Place" means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

(A) vehicles of public conveyance;

(B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;

(C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and City-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.

(D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the City where there is in progress any public meeting.

"Public place" shall not include:

(A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

(B) hotel or motel rooms designated as smoking, provided that no more than **twenty percent (20%)** of the available rooms for rent in any single building shall be designated as smoking rooms.

"School Grounds" mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

27-13-4 PROHIBITION IN ENCLOSED PUBLIC PLACES.

(A) It is unlawful to smoke in any enclosed area of any public place.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

27-13-5 PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.

(A) It is unlawful to smoke in the following unenclosed public places:

(1) The seating areas of all outdoor arenas, stadiums and amphitheaters.

(2) Public parks and recreation areas.

(3) School grounds.

(4) Public sidewalks within **fifteen (15) feet** of a public entrance but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.

(5) Public sidewalks within **fifteen (15) feet** of an open-air dining area but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.

(B) It is unlawful to smoke in or within **fifteen (15) feet** of an outdoor venue during the time that an outdoor event is taking place.

27-13-6 PROHIBITION IN PLACES OF EMPLOYMENT.

(A) It is unlawful to smoke in any enclosed area of any place of employment.

(B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

27-13-7 PROHIBITION IN OPEN AIR DINING AREAS.

(A) It is unlawful to smoke in open air dining area.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open-air dining area to knowingly permit smoking in the area available for open air dining.

(C) it is unlawful to smoke within **fifteen (15) feet** of an open-air dining area.

27-13-8 PROHIBITION AT PUBLIC ENTRANCES.

(A) It is unlawful to smoke within **fifteen (15) feet** of a public entrance to a public place or to a place of employment.

(B) It is unlawful for any person or persons to gather or congregate for the purpose of smoking within **fifteen (15) feet** of a public entrance.

27-13-9 DESIGNATION OF OTHER NO-SMOKING AREAS. Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

27-13-10 NO RETALIATION. No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

27-13-11 SIGNS.

(A) Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous “No Smoking” signs in the enclosed area of any public place where smoking is prohibited. Such “No Smoking” signs shall have a white field with the words

"No Smoking" printed in red letters, **four (4) inches** high with a **one-half (1/2) inch** face, or shall bear the international "No Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.

(B) Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school ground, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C) Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

27-13-12 EXEMPTIONS. The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

27-13-13 PENALTIES.

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

(1) A fine of not less than **Twenty-Five Dollars ($25.00)** for a first violation.

(2) A fine of not less than **Fifty Dollars ($50.00)** for a second violation.

(3) A fine of not less than **One Hundred Dollars ($100.00)** and not more than **Five Hundred Dollars ($500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars ($100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars ($250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars ($500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars ($1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars ($2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

ARTICLE XIV - SYNTHETIC DRUGS

27-14-1 SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine** includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methylenedioxypyrovalerone, (a psychoactive drug), or cathinone derivatives.

(2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.

(3) **Knowledge.** Knows, acts knowingly or with knowledge:

(a) the nature or attendant circumstances of his/her conduct described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.

(b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

(c) knowledge may be inferred from the surrounding circumstances.

(4) **"Bath salts"** a substance that contains methylenedioxypyrovalerone (MDPV) or contains a norepinephrine-dopamine reuptake inhibitor (NDRI).

(5) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.

(6) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(7) **Possession.** Possession may be either actual or constructive.

(a) actual possession means exercising physical dominion.

(b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

(B) **Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.**

(1) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.

(2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars ($250.00)** and no more than **Seven Hundred Fifty Dollars ($750.00)**.

(3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars ($100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.

(4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.

(5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

27-14-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.

(2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.

(3) **Knowledge.** Knows, acts knowingly or with knowledge:

(a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.

(b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

(c) knowledge may be inferred from the surrounding circumstances.

(4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

(5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(6) **Possession.** Possession may be either actual or constructive.

(a) actual possession means exercising physical dominion.

(b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.

(7) **Produce or Production.** Planting, cultivating, tending or harvesting.

(B) **Possession of Synthetic Cannabis Prohibited.**

(1) **Violation.** No person shall possess any substance containing synthetic cannabis.

(2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars ($250.00)** and no more than **Seven Hundred Fifty Dollars ($750.00)**.

(3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars ($100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.

(4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.

(5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

ARTICLE XV - REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

27-15-1 DEFINITIONS. The following definitions apply to this Section:

(A) A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

(1) Sexual exploitation of a child **(See 720 ILCS 5/11-9.1)**;
(2) Predatory criminal sexual assault of a child **(See 720 ILCS 5/12-14.1)**;
(3) Indecent solicitation of a child **(See 720 ILCS 5/11-6)**;
(4) Public indecency committed on school property **(See 720 ILCS 5/11-9)**;
(5) Child luring **(See 720 ILCS 5/10-5(b)(10))**;
(6) Aiding and abetting child abduction **(See 720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10))**;
(7) Soliciting for a juvenile prostitute **(See 720 ILCS 5/11-15.1)**;
(8) Patronizing a juvenile prostitute **(See 720 ILCS 5/11-18.1)**;
(9) Exploitation of a child **(See 720 ILCS 5/11-19.2)**;
(10) Child pornography **(See 720 ILCS 5/11-20.1)**;
(11) Criminal sexual assault **(See 720 ILCS 5/12-13)**;
(12) Aggravated criminal sexual assault **(See 720 ILCS 5/12-14)**;
(13) Aggravated criminal sexual abuse **(See 720 ILCS 5/12-16)**;
(14) Kidnapping or aggravated kidnapping **(See 720 ILCS 5/10-1 or 5/10-2)**;
(15) Unlawful restraint or aggravated unlawful restraint **(See 720 ILCS 5/10-3 or 5/10-3.1)**.

(B) **"School"** means any real property used primarily for educational or childcare 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 City has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-15-2 PROHIBITED ACTS.

(A) It is unlawful for a child sex offender to reside within **five hundred (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 **five hundred (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 **five hundred (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 **five hundred (500) feet** of any of the following:

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

27-15-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars ($100.00)** and **Seven Hundred Fifty Dollars ($750.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars ($100.00)** and **Seven Hundred Fifty Dollars ($750.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-15-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

27-15-4 OTHER PROVISIONS.

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **five hundred (500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

ARTICLE XVI – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

27-16-1 DEFINITIONS. The following words, terms and phrases, when used in this Article shall have the meanings ascribed to them by this Section, except where the context clearly indicates a different meaning:

(A) **Act** shall mean the Cannabis Regulation and Tax Law, **65 ILCS 5/11-8-22, et seq.**, as amended from time to time, and regulations promulgated thereunder.

(B) **Adult-Use Cannabis Business Establishment** shall mean an Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Dispensing Organization, or Adult-Use Cannabis Transporting Organization or Transporter.

(C) **Adult-Use Cannabis Craft Grower** shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Act.

(D) **Adult-Use Cannabis Cultivation Center** shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Act.

(E) **Adult-Use Cannabis Dispensing Organization** shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed Adult-Use Cannabis Business Establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seed, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Act.

(F) **Adult-Use Cannabis Infuser Organization or Infuser** shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Act.

(G) **Adult-Use Cannabis Processing Organization or Processor** shall mean a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Act.

(H) **Adult-Use Cannabis Transporting Organization or Transporter** shall mean an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of an Adult-Use Cannabis Business Establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Act.

(I) **Person** shall mean any individual, firm, corporation, limited liability company, partnership, society, association, or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.

27-16-2 CANNABIS BUSINESS ESTABLISHMENT PROHIBITED. The following Adult-Use Cannabis Business Establishments are prohibited in the City. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation any of the following within the corporate limits of the City:

(A) Adult-Use Cannabis Craft Grower
(B) Adult-Use Cannabis Cultivation Center
(C) Adult-Use Cannabis Dispensing Organization
(D) Adult-Use Cannabis Infuser Organization or Infuser
(E) Adult-Use Cannabis Processing Organization or Processor
(F) Adult-Use Cannabis Transporting Organization or Transporter

27-16-3 PUBLIC NUISANCE DECLARED. The operation of any prohibited Adult-Use Cannabis Business Establishment within the corporate limits of the City in violation of the provisions of this Section is hereby declared a public nuisance.

27-16-4 ENFORCEMENT. This Article shall be enforced by the City Attorney, officers of the Police Department, and/or the corporate authorities or such other person or agencies so designated by the corporate authorities.

27-16-5 INSPECTION. A person or agency charged with enforcement of this Article shall have the right to enter any property at any reasonable time to inspect any facility, premises or condition thereon for the purpose of determining whether **Section 27-16-2** and **27-16-3** of this Article are being complied with. Refusal by any owner of right of entry shall cause the person, officer, or agency to seek the permission of a court of competent jurisdiction for right of entry.

27-16-6 NOTICE TO ABATE. Upon discovery of any violation of this Article by the corporate authorities or personnel/agency charged with the enforcement of this Article, the person, corporation, association, company, owner, occupant, or agent causing, allowing or permitting such violation shall be issued a notice to abate, by regular United States Mail, postage prepaid, stating the date, place, and condition complained of, and shall direct the person, corporation, association, company, owner, occupant or agency causing, allowing or permitting such violation to rectify the violation within **ten (10) days**. In the event the person, corporation, association, company, owner, occupant or agent fails to rectify the violation within said **ten (10) day** period, then the corporate authorities or enforcement personnel/agency shall issue a citation to or file a complaint against the violator ordering the violator to appear in the Effingham County Circuit Court, and charging the violator with a violation(s) of this Article. Said citation or complaint shall describe the violation and the part of the Article violated.

27-16-7 PENALTY. Any person who violates any provision of this Article commits a Civic Ordinance Violation and shall, upon conviction, be fined not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense. Each day a violation is allowed to continue shall constitute a separate offense. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure the violation.

(Ord. No. 683-20; 01-13-20)

ARTICLE XVII – CANNABIS AND DRUG PARAPHERNALIA

27-17-1 DEFINITIONS. When used in this Article, unless the context clearly indicates otherwise, the following words and phrases have the meanings as herein provided:

(A) The definitions of **410 ILCS 705/1-10** of the Cannabis Regulation and Tax Act are incorporated by reference as part of this Article.

(B) The "Cannabis Regulation and Tax Act" shall mean the Cannabis Regulation and Tax Act, **410 ILCS 705/1-1 et seq.**, as may be amended from time to time.

(C) The "Compassionate Use of Medical Cannabis Program Act" shall mean the Compassionate Use of Medical Cannabis Program Act, **410 ILCS 130/1 et seq.**, as may be amended from time to time.

(D) "Controlled Substance" shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act **(720 ILCS 570/102)**, as if that definition were incorporated herein. For purposes of this Article, "controlled substance" does not include cannabis.

(E) "Drug paraphernalia" means all equipment, products, and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act **(720 ILCS 646/10)** and cannabis paraphernalia as defined in Section 1-10 of the Cannabis Regulation and Tax Act **(720 ILCS 550/1-10)**, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation f the Illinois Controlled Substances Act **(720 ILCS 570/100 et seq.)** or the Methamphetamine Control and Community Protection Act **(270 ILCS 646/1 et seq.)** or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act **(410 ILCS 620/1 et seq.)**. It includes, but is not limited to:

(1) Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment, used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

(7) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

(8) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

(9) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

(10) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

(11) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing cocaine or other controlled substances into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes;

(j) Chillums;

(k) Bongs; or

(l) Ice pipes or chillers; and

(12) Any item whose purpose, as announced or described by the seller, is for use in violation of the Drug Paraphernalia Control Act **(720 ILCS 600/1 et seq.)**.

(F) "Drug Paraphernalia" does not include equipment, products or materials used to analyze or test for the presence of fentanyl, a fentanyl analog, or a drug adulterant within a controlled substance.

(G) "Public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

27-17-2 CANNABIS; PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE. It is unlawful for any person who is under **twenty-one (21) years** of age to possess or use any quantity of any substance containing cannabis, except where authorized under the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.

27-17-3 UNLAWFUL POSSESSION OF CANNABIS.

(A) Notwithstanding any other provisions of this Article, it is unlawful for any person to possess any quantity of cannabis that was not lawfully purchased or acquired in accordance with the Cannabis Regulation and Tax Act, the Compassionate Use of Medical Cannabis Program Act or other statute.

(B) Except if otherwise authorized by the Cannabis Regulation and Tax Act, it is unlawful for any person who is **twenty-one (21) years** of age or older and a resident of the State of Illinois to be in possession of:

(1) more than **sixty (60) grams** of cannabis flower;

(2) more than **one thousand (1,000) milligrams** of THC contained in cannabis-infused product; or

(3) more than **ten (10) grams** of cannabis concentrate.

(C) It is unlawful for any person who is **twenty-one (21) years** of age or older and who is not a resident of the State of Illinois to be in the possession of:

(1) more than **thirty (30) grams** of cannabis flower;

(2) more than **five (5) grams** of cannabis concentrate; or

(3) more than **five hundred (500) milligrams** of THC contained in cannabis-infused product.

(D) The possession limits found in subsections (B) and (C) of this Section are to be considered cumulative, meaning a person **twenty-one (21) years** of age or older may possess a combination of cannabis flower, cannabis-infused product and cannabis concentrate up to the limit for each category.

(E) It is unlawful for any person to possess any quantity of cannabis:

(1) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(2) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(3) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed or resealable container and reasonably inaccessible while the vehicle is moving; or

(4) in a private residence that is used at any time to provide licensed childcare or other similar social service care on the premises.

27-17-4 UNLAWFUL USE OF CANNABIS. It is unlawful, for any person to smoke, consume or use cannabis:

(A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(C) in any motor vehicle;

(D) in a private residence that is used at any time to provide licensed childcare or other similar social service care on the premises;

(E) in any public place;

(F) knowingly in close proximity to anyone under **twenty-one (21) years** of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act; or

(G) in any place where smoking is prohibited under the Smoke Free Illinois Act **(410 ILCS 82/1 et seq.)**.

27-17-5 NO LIMITATION ON CANNABIS CONTROL ACT. The provisions of this Article shall not be considered to be a limitation on the enforcement of the Cannabis Control Act **(720 ILCS 550/1 et seq.)** or any other statue regulating the sale, distribution, possession or use of cannabis.

27-17-6 DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other relevant factors, the following:

(A) Statements by an owner or by anyone in control of the object concerning its use;

(B) The proximity of the object, in time and place, to a direct violation of this Article;

(C) The proximity of the object to controlled substances;

(D) The existence of any residue of controlled substances on the object;

(E) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend

to us the object to facilitate a violation of this Article. The innocence of any owner or anyone in control of the object, as to a direct violation of this Article, shall not prevent a finding that the object is intended or designed for use as "drug paraphernalia";

(F) Instructions, oral or written, provided with the object concerning its use;

(G) Descriptive materials accompanying the object which explain or depict its use;

(H) National or local advertising concerning the object's use;

(I) The manner in which the object is displayed for sale;

(J) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(K) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;

(L) The existence and scope of legitimate uses for the object in the community; and

(M) Expert testimony concerning the object's use.

27-17-7 DRUG PARAPHERNALIA OFFENSES.

(A) **Possession and Use of Drug Paraphernalia.**

(1) It is unlawful for any person to possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use. In determining intent, the trier of fact may take into consideration the proximity of a controlled substance to drug paraphernalia or the presence of a controlled substance on the drug paraphernalia.

(2) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal a controlled substance.

(3) Possession of drug paraphernalia does not apply to a person in possession of hypodermic syringes or needles who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act **(720 ILCS 635/0.01 et seq.)**.

(B) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

(C) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates subsection (B) of this Section by delivering, selling, or giving dug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined as a separate offense.

(D) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(E) **Cannabis Paraphernalia.** It is unlawful for any person who is under **twenty-one (21) years** of age to possess cannabis paraphernalia, unless he or she is a qualified patient under the Compassionate Use of Medical Cannabis Program Act.

27-17-8 FORFEITURE OF PROPERTY.

(A) Drug paraphernalia shall be subject to forfeiture.

(B) Property subject to forfeiture under this Article may be seized by any police officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:

(1) If the property subject to seizure has been the subject of a prior judgment in favor of the City in an ordinance violation proceeding; or

(2) If there is probable cause to believe that the property is either directly or indirectly dangerous to health or safety.

(C) In the event of seizure pursuant to subsection (B), proceedings under subsection (D) shall be promptly instituted.

(D) Property taken or detained under this Article shall not be subject to replevin but is deemed to be in the custody of the Chief of Police, subject only to the orders of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Article, the Chief of Police may:

(1) Place the property under seal;

(2) Remove the property to a place designated by him; or

(3) Take custody of the property and remove it to an appropriate location for destruction.

27-17-9 PROHIBITION OF POSSESSION OF WEAPONS, LIQUOR AND DRUGS IN THE CITY HALL. Except for evidence purposes, it shall be unlawful for any person other than police officers to possess within the Ccity Hall:

(A) a dangerous weapon as defined in the Criminal Code, **720 ILCS 5/33A-1**, as now and hereafter amended or renumbered;

(B) alcoholic liquor as defined in **Chapter 21**;

(C) a controlled substance as defined in the Controlled Substances Act, **720 ILCS 570/102**, as now and hereafter amended or renumbered; or

(D) cannabis, as defined in the Cannabis Control Act, **720 ILCS 550/3**, as now or hereafter amended or renumbered.

27-17-10 PENALTY.

(A) Any person who violates a provision of this Article which is provided to be a civil law violation pursuant to **410 ILCS 705/10-15(b)** of the Cannabis Regulation and Tax Act, **720 ILCS 550/4(a)** of the Cannabis Control Act, or other statute, upon conviction, shall be fined in the amount as provided by such statute.

(B) Any person who violates a provision of this Article, other than as provided in subsection (A), upon conviction, shall be fined as provided in **Section 1-1-20** of this Code.

ARTICLE XVIII – NOISE CONTROL

27-18-1 DEFINITIONS.

(A) **Person.** Any individual, corporation, partnership, firm, business, association, public or private institution, group, agency or any legal successor, representative, or agent of the foregoing.

(B) **Excessive or Loud Noise.** Sound that is a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons or ordinary sensitivities within the City, given the time of day or environment in which the sound is made.

27-18-2 EXCESSIVE SOUND REPRODUCING DEVICES. No person shall operate, play, or use any device instrument that creates or amplifies exterior sound, including but not limited to any loudspeaker, amplifier, musical instrument, radio, stereo, juke box, public address system, bullhorn, or device that plays live or recorded music, or to generate any exterior sound for the purposes of communication or entertainment that is louder than an average conversational level at a distance of **seventy-five (75) feet** or more, measured horizontally or vertically, from the source of the sound before **9:00 A.M.** any day of the week and after the following hours:

9:00 P.M. on Sunday through Thursday evening;

11:00 P.M. on Friday and Saturday evenings, the Fourth of July and New Year's Eve.

27-18-3 NOISE PROHIBITED. In addition to the provisions of **Section 27-18-2**, it shall be unlawful and is declared a nuisance, for any person to cause, continue to cause, or allow the emission of, beyond the boundaries of his or her property, any excessive sound or noise that disturbs the peace and quiet of any neighborhood, or which unreasonably interferes with or causes annoyance with the enjoyment of life, sleep, or with any lawful business or activity.

27-18-4 SOUND AMPLIFICATION; MOTOR VEHICLES. No driver of any motor vehicle within the City shall operate or permit operation of any sound amplification system or any radio, stereo, or other similar device, which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle and/or sound amplification system is being operated upon a street or parking lot within the City, unless such system is being operated to request assistance or warn of a hazardous situation.

27-18-5 EXCEPTIONS. The limitations imposed in these sections do not apply to:

(A) Emergency or public safety vehicles;

(B) Emergency repair activity;

(C) Any public or private emergency alarm device, if addressed in a timely manner;

(D) Sounds emanating from any place of worship;

(E) Railroads;

(F) Sporting events;

(G) Outdoor school and playground activities;

(H) Construction and/or demolition activities between the hours of **7:00 A.M. – 8:00 P.M.;**

(I) Authorized public infrastructure construction activities;

(J) Generators to provide emergency electrical power; and

(K) Activities of federal, state, county, or city governmental agencies.

A request for a variance from the restrictions imposed by the provisions of **Section 27-18-2** and **27-18-3** for events may be granted by the City Council. However, said requests must be made in writing and presented for Council approval **thirty (30) days** in advance of such event.

27-18-6 ENFORCEMENT. This Article shall be enforced by the officers of the Police Department, police officers acting on behalf of the City, and/or the corporate authorities or such other person or agencies so designated by the corporate authorities.

27-18-7 PENALTY. Any person who commits the act prohibited herein shall be guilty of a City ordinance violation and shall be fined not less than **One Hundred Dollars ($100.00)** nor more than **One Thousand Dollars ($1,000.00)** for each offense. Each day a violation occurs or continues, shall constitute a separate offense and may be punishable separately.

(Ord. No. 697-20; 10-12-20)

CHAPTER 28 – OIL WELLS

ARTICLE			*TITLE*	*PAGE*
I	*GENERALLY*			
	Section 28-1-1	-	*Permit Established*	*28-1*
	Section 28-1-2	-	*Application for Permit*	*28-1*
	Section 28-1-3	-	*Permit Required*	*28-1*
	Section 28-1-4	-	*Sign Posted*	*28-1*
	Section 28-1-5	-	*Dikes Required*	*28-1*
	Section 28-1-6	-	*Tank Reservoirs*	*28-2*
	Section 28-1-7	-	*Earthen Reservoir Storage*	*28-2*
	Section 28-1-8	-	*Burn-Out Pit Prohibited*	*28-2*
	Section 28-1-9	-	*Abandonment and Restoration*	*28-2*
	Section 28-1-10	-	*Wells Plugged*	*28-2*
	Section 28-1-11	-	*Reservoir Requirements*	*28-2*
	Section 28-1-12	-	*Prohibited Escapes*	*28-2*
	Section 28-1-13	-	*Subsurface Disposal System*	*28-3*
	Section 28-1-14	-	*Bond Required*	*28-3*
	Section 28-1-15	-	*Inspection*	*28-3*
	Section 28-1-16	-	*Nuisance*	*28-3*
	Appendix "A"	-		*28-4*

CHAPTER 28

OIL WELLS

ARTICLE I - GENERALLY

28-1-1 PERMIT ESTABLISHED. It shall be unlawful for any person to drill or to commence to drill any well for oil and gas within any portion of the drainage area described in **Appendix "A"** attached hereto and in the Plat thereof made by Russell and Axon Consulting Engineers, Incorporated, on file at City Hall, without a permit for such well and for the prosecution of such work having first been issued by the City Council, in accordance with the terms and provisions of this Chapter.

28-1-2 APPLICATION FOR PERMIT. Every application for a permit to drill any oil or gas well shall be in writing, signed by the applicant or some person duly authorized to sign the same in behalf of the applicant, and shall be filed with the City Clerk, and shall state the proposed location where each proposed well is to be drilled. A fee of **Fifty Dollars ($50.00)** shall be charged for such permits. After the well has been drilled, if the casing is set in said well, that is the "long string" or "production string", then an additional fee of **Two Hundred Dollars ($200.00)** shall be paid as an inspection fee to the City, at the time of the setting and cementing of the casing in such well. In addition to the other fees, all producers and operators of oil and gas leases within the area herein described shall pay a monthly inspection fee which said fee shall be determined as follows, to-wit:

(A) **One Hundred Dollars ($100.00)** per month per lease producing **one hundred (100) barrels** of oil per well per day or more;

(B) **Fifty Dollars ($50.00)** per month per lease producing less than **one hundred (100) barrels** of oil per well per day, but more than **fifty (50) barrels** of oil per well per day;

(C) **Twenty-Five Dollars ($25.00)** per month per lease producing less than **fifty (50) barrels** of oil per well per day.

28-1-3 PERMIT REQUIRED. It shall be unlawful for any person to commence any well for oil or gas within any portion of said sections until the permits issued by the City and by the Department of Mines and Minerals of the State of Illinois, or legible copies of the same, are posted at the well site; and the permits or copies thereof shall be kept so posted until the completion of such well or abandonment and plugging thereof.

28-1-4 SIGN POSTED. Every producing well, shall be identified by a sign in a conspicuous place near such well and such sign shall be of durable construction and the lettering thereon shall be kept in a legible condition and shall be large enough to be read under normal conditions at a distance of **fifty (50) feet**. Each sign shall show the number of the well, the name of the lease, the name of the lessee, owner or operator, and their legal addresses under the jurisdiction of the Courts of the State of Illinois, and the location by quarter, quarter section, Township and Range.

28-1-5 DIKES REQUIRED. All drilling sites, pits, reserve pits and derricks shall be enclosed with earthen dikes of sufficient height and strength to divert surface drainage and to prevent the escape of any spills of oil, salt water or other liquids.

28-1-6 TANK RESERVOIRS. All lease tanks, stock tanks and oil field storage tanks shall be protected by a fire wall or dike, which said fire wall or dike shall form a reservoir having a capacity of **one and one-half (1 1/2) times** the capacity of the enclosed tank or the tank battery. All emulsion containers shall be impounded in said reservoir. The dike shall be maintained and the reservoir surface kept free of oil, emulsions, tank bottoms, brine, fresh water, vegetation, or any inflammable material. Tank batteries shall be so located as not to be subject to surface drainage.

28-1-7 EARTHEN RESERVOIR STORAGE. It shall be unlawful to store or retain oil in earthen reservoirs or in open receptacles; provided, however, that in cases of emergency the Mayor or a member of the City Council may grant permission for temporary storage of oil in earthen reservoirs or in open receptacles.

28-1-8 BURN-OUT PIT PROHIBITED. The construction or operation of any sale water pie or oil field refuse pit, commonly called "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, is hereby prohibited.

28-1-9 ABANDONMENT AND RESTORATION. It shall be unlawful for any person, upon abandonment of any oil or gas well, to permit concrete bases, discarded machinery and materials, or debris to remain around such oil or gas well; to fail to fill any holes, cellars, slush pits or other excavations, made in connection with any such well; or to fail to restore the surface of the lands surrounding any such well to their former condition as existed before the drilling of any such well.

28-1-10 WELLS PLUGGED. It shall be unlawful to permit any well drilled for oil, gas, sale water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged, exceeding **sixty (60) days** after such well is no longer used for the purpose for which it was drilled, except with the permission of the Mayor and the members of the City Council, for such reasonable extensions of time as may be necessary for the further development of the property.

28-1-11 RESERVOIR REQUIREMENTS. It shall be unlawful to run oil, salt water or brine produced in the drilling for or in the production of oil or gas into earthen reservoirs or ponds, except such reservoirs or ponds are so constructed that the evaporation will care for the input, and said ponds or reservoirs are so dug into the earth that they shall be of sufficient depth to contain all such brine, salt water or oil so that the liquid level in the pit shall not be higher than the natural surrounding ground surface, and such earthen reservoirs shall be surrounded by an earthen dike of sufficient height and strength to prevent the escape of any such impounded brine, salt water or oil.

28-1-12 PROHIBITED ESCAPES. It shall be unlawful to permit any brine, salt water, oil or other liquid substance within such earthen reservoirs to reach a level higher than the natural surrounding ground surface, to place pipes below the top of the walls of such reservoirs, to willfully cut any such wall, to permit any break in any such wall, to release any such impounded liquids, or to permit any of such liquids to escape from any such reservoirs.

28-1-13 SUBSURFACE DISPOSAL SYSTEM. For impounding salt water and oil field wastes in conjunction with a subsurface disposal system, the installation of the following type of receptacle is permissible:

(A) Concrete pit, properly located and not subject to surface drainage, of adequate dimensions with floors and walls of minimum thickness of **six (6) inches** reinforced, concrete pit to be waterproofed on the inside.

(B) Steel tank in good condition buried in the ground surrounded by floor and wall of cement with a minimum thickness of **six (6) inches** of adequate capacity, not subject to surface drainage, and the inside of such steel tank to be corrosion-proof.

(C) Steel tank in good condition, of adequate capacity, resting on the ground surface, and the inside of steel tank to be corrosion-proofed, provided, however, an earth dike or berm must be provided around the tank to form a reservoir having a capacity of **one and one-half (1 1/2) times** the capacity of the tank or tanks.

(D) An earthen pit which has been adequately treated with aqua-jell or its equivalent to become impermeable to fresh water, salt water or oil.

28-1-14 BOND REQUIRED. Each application shall be accompanied by a bond in the principal sum of **Ten Thousand Dollars ($10,000.00)** duly executed by the applicant, as principal, and a surety company authorized to do business in the State of Illinois, as surety, running to the City for the use and benefit of the City and all persons, firms, and corporations concerned, conditioned that if the permit be granted, the applicant, and his heirs, executors, administrators, successors and assigns, will comply with the terms and conditions of this Chapter in the drilling and operation of each well.

28-1-15 INSPECTION. The Superintendent of the Water Department, a police officer, or any other properly designated representative of the corporate authorities of the City shall have the right to ingress and egress to and from all well locations at all times for inspection purposes.

28-1-16 NUISANCE. The violation of any provisions of this Chapter whereby any unsanitary condition is created is hereby declared to be a public nuisance.

(Ord. No. 31; 01-24-73)

APPENDIX "A"

WHEREAS, streams or sources of water supply for the City of Altamont, Illinois, are in and upon lands situated in the following sections: Section 14, Section 15, Section 22 and Section 23 in Township 7 North, Range 4 East of the Third Principal Meridian, Effingham County, Illinois, more particularly described as follows:

Beginning at a point on the east line of Section 23, said point being 700 feet more or less north of the southeast corner of Section 23, thence in a southwesterly direction a distance of 1,500 feet, more or less, to a point 1,400 feet west and 200 feet north of the southeast corner of Section 23, thence in a northwesterly direction of 800 feet, more or less, thence 37º more or less right a distance of 1,000 feet; thence 43º more or less, a distance of 800 feet; thence left 21º more or less, a distance of 900 feet; thence right 50º more or less, a distance of 2,200 feet more or less to the intersection of the west line of Section 23, said point being 1,500 feet, more or less south of the northwest corner of Section 23, thence in a northwesterly direction along said line a distance of 1,300 feet; thence right 17º more or less a distance of 400 feet to the north line of Section 22, said point being 900 feet more or less west of the northeast corner of Section 22, thence Northwesterly along said line a distance of 1,100 feet, more or less; thence right 8º more or less a distance of 1,850 feet; thence right 77º more or less, a distance of 1,900 feet, more or less, to a point on the east line of Section 15, said point being 1,700 feet, more or less, south of the northeast corner of Section 15; thence southeasterly from said point a distance of 2,100 feet; thence left 17º more or less, a distance of 2,400 feet, more or less, to a point, said point being the northeast corner of the Northwest Quarter of Section 23, thence southeasterly a distance of 2,200 feet, thence right 24º, more or less, a distance of 1,350 feet, more or less, to a point on the east line of Section 23, said point being 2,250 feet more or less, south of the northeast corner of Section 23; thence south along the east line of Section 23, a distance of 2,350 feet more or less to the point of beginning.

CHAPTER 30 - PUBLIC SAFETY

ARTICLE		TITLE	PAGE
I		**LOCAL STATE OF EMERGENCY**	
	Section 30-1-1	- Definitions	30-1
	Section 30-1-2	- Declaration	30-1
	Section 30-1-3	- Curfew Authorized	30-1
	Section 30-1-4	- Orders Authorized	30-1
	Section 30-1-5	- Duration	30-2
	Section 30-1-6	- Notice	30-2
	Section 30-1-7	- Violations	30-2
	Section 30-1-8	- Effect on Other Ordinances	30-2
II		**POLICE DEPARTMENT**	
		Division I – Administration	
	Section 30-2-1	- Department Established	30-3
	Section 30-2-2	- Training Required	30-3
	Section 30-2-3	- Duties of Department	30-3
	Section 30-2-4	- Chief of Police - Administration	30-3
	Section 30-2-5	- Rules and Regulations by Chief	30-3
	Section 30-2-6	- Violation of Laws	30-3
	Section 30-2-7	- Discipline	30-4
	Section 30-2-8	- Suspension of Member	30-4
	Section 30-2-9	- Hearing	30-4
	Section 30-2-10	- Continued Employment	30-4
	Section 30-2-11	- 30-2-15 Reserved	
		Division II – Police Chief	
	Section 30-2-16	- Office Established	30-5
	Section 30-2-17	- Oath of Office and Bond	30-5
	Section 30-2-18	- Management of Department	30-5
	Section 30-2-19	- Code Enforcement	30-5
	Section 30-2-20	- Attending City Council Meetings	30-5
	Section 30-2-21	- Reports	30-6
	Section 30-2-22	- Property Supervision	30-6
	Section 30-2-23	- Informing City Attorney	30-6
	Section 30-2-24	- 30-2-26 Reserved	
		Division III – Patrol Officers	
	Section 30-2-27	- Position Established	30-6
	Section 30-2-28	- Oath and Bond	30-6
	Section 30-2-29	- Age and Character	30-6
	Section 30-2-30	- Sergeant Appointed	30-6
	Section 30-2-31	- Discharge of Duties	30-7
	Section 30-2-32	- Warrants Served	30-7
	Section 30-2-33	- Fire Department Aid	30-7
	Section 30-2-34	- Gambling Seizes	30-7
	Section 30-2-35	- Temporary Patrol Officers	30-7
	Section 30-2-36	- Special Police Officers	30-7
	Section 30-2-37	- Arrest Power	30-8
	Section 30-2-38	- Assistance Requested	30-8
	Section 30-2-39	- Resisting Arrest	30-8
	Section 30-2-40	- Part-Time Police	30-8

ARTICLE		TITLE	PAGE
III		EMERGENCY MANAGEMENT AGENCY (EMA)	
	Section 30-3-1	- Policy and Procedures	30-9
	Section 30-3-2	- Limitations	30-9
	Section 30-3-3	- Definitions	30-9
	Section 30-3-4	- Emergency Management Agency	30-10
	Section 30-3-5	- Emergency Management Powers of the Mayor	30-11
	Section 30-3-6	- Financing	30-12
	Section 30-3-7	- Local Disaster Emergencies	30-12
	Section 30-3-8	- Testing of Disaster Warning Devices	30-13
	Section 30-3-9	- Mutual Aid Arrangements Between Political Subdivisions	30-13
	Section 30-3-10	- Communications	30-13
	Section 30-3-11	- Immunity	30-13
	Section 30-3-12	- Professions, Trades and Occupations	30-13
	Section 30-3-13	- Appropriations and Levy of Tax	30-14
	Section 30-3-14	- Authority to Accept Services, Gifts, Grants or Loans	30-14
	Section 30-3-15	- Orders, Rules and Regulations	30-14
	Section 30-3-16	- Utilization of Existing Agency, Facilities and Personnel	30-14
	Section 30-3-17	- No Private Liability	30-14
	Section 30-3-18	- Succession	30-15
	Section 30-3-19	- Compensation	30-15
	Section 30-3-20	- Deputy Director	30-15
	Section 30-3-21	- Personnel Oath	30-15
	Section 30-3-22	- Emergency Termination or Reduction of Electrical Service	30-16
	Section 30-3-23	- Mobile Support Team	30-16
	Section 30-3-24	- Penalty	30-16

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – LOCAL STATE OF EMERGENCY

30-1-1 DEFINITIONS. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A) **Emergency.**

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or

(2) Any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the City, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B) **Curfew.** A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 DECLARATION. Whenever an emergency, as defined in **Section 30-1-1(A)** exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section. This declaration must be filed with the City Clerk as soon as practicable after issuance.

30-1-3 CURFEW AUTHORIZED. After proclamation of a Local State of Emergency by the Mayor he or she may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

30-1-4 ORDERS AUTHORIZED. After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issue caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency.

(A) All actions reasonably necessary to respond to the emergency;

(B) Approve previously appropriated expenditures of the City for the purpose of continuing the operations of the City; and

(C) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency.

(D) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(E) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(F) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(G) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

30-1-5 DURATION. The declaration herein authorized shall be effective for a period of **fourteen (14) days** or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to reproclaim the existence of an emergency at the end of each **fourteen (14) day** period during the time said emergency exists.

30-1-6 NOTICE. Upon issuing the proclamation herein authorized, the City Clerk shall notify the news media situated within the City, and shall cause **four (4) copies** of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the City:

(A) The City Hall.

(B) The Police Station.

(C) The Post Office.

(D) In the area of any curfew.

30-1-7 VIOLATIONS. Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by **Section 1-1-20** of the City Code.

30-1-8 EFFECT ON OTHER ORDINANCES. Nothing contained in this Section shall be construed to impair the powers contained in this Code, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

(65 ILCS 5/11-1-6)

(20 ILCS 3305/11)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - ADMINISTRATION

30-2-1 DEPARTMENT ESTABLISHED. There is hereby established an executive department of the municipal government of the City which shall be known as the Police Department, which shall be under the supervision of the Commissioner of Public Affairs, and shall consist of **one (1) Chief of Police**, and such Patrol Officers (**one (1)** of whom may be designated as Sergeant by the Chief of Police), Lake Patrol Officers and other employees as may be approved from time to time by the City Council.

30-2-2 TRAINING REQUIRED. All members of the Altamont Police Department are required to take and successfully complete all training which is required for their position by the Illinois Local Governmental Law Enforcement Officers Training Board and any training classes which may be assigned by the Chief of Police.

30-2-3 DUTIES OF DEPARTMENT. The Police Department is responsible for the following:

(A) Crime preventive patrol activities;

(B) Protection of life and property, preservation of the peace, enforcement of the law, and suppression of crime, protection of the rights of all;

(C) Investigation of police incidents and minor crimes, preliminary investigation of serious crimes;

(D) Traffic law enforcement, traffic control and traffic accident investigations;

(E) Follow-up investigations of serious crimes, vice crimes and fatal motor vehicle accidents;

(F) Preparation of cases for prosecution;

(G) Recovery of stolen property;

(H) Processing of juvenile offenders;

(I) Maintaining liaison with the juvenile court;

(J) Other duties as may be assigned by the Commissioner of Public Affairs or the City Council.

30-2-4 CHIEF OF POLICE - ADMINISTRATION. The general administration, supervision and control of the Police Department is vested in the Chief of Police who shall be subject to and shall carry out or cause to be carried out all legal directions of the Commissioner of Public Affairs for the efficiency, effectiveness, and general good conduct of the Police Department.

30-2-5 RULES AND REGULATIONS BY CHIEF. The Chief of Police, with the approval of the Commissioner of Public Affairs and the City Council, may promulgate rules and regulations to maintain the efficiency, effectiveness and integrity of the Police Department. A complete and current copy of said rules and regulations, including all amendments, revocations and additions thereto shall be kept on file with the City Clerk.

30-2-6 VIOLATION OF LAWS. Any officers or member of the Department who violates or attempts to violate any law of the United States of America or the State of Illinois, or any ordinance of the City, or any rule, regulation, policy or procedure of the Police Department, or any general or special order, whether written or oral, of the Chief of Police or Commissioner of Public Affairs; or who is in any way incompetent to perform the duties of this office; shall be subject to disciplinary action. Primary disciplinary authority and responsibility within the

Department shall rest with the Chief of Police, who is authorized to issue oral reprimands, written reprimands, and suspensions up to **thirty (30) days** without pay. All disciplinary action; taken by the Chief of Police is subject to review by the Commissioner of Public Affairs. Dismissal from service may be recommended by the Chief of Police but shall be imposed by the Commissioner of Public Affairs. Any disciplinary action against the Chief of Police shall be imposed by the Commissioner of Public Affairs.

30-2-7 DISCIPLINE. Any disciplinary action taken by the Chief of Police against any member of the Department shall be reviewed by the Commissioner of Public Affairs within **ten (10) days** after a written request for review is submitted to him by the member of the Department against whom such disciplinary action is taken, provided that the written request for review is submitted within **five (5) days** after notification of the disciplinary action is given to the disciplined member of the Department. Failure to submit a written request for review within **five (5) days** after notification of disciplinary action shall be deemed to be a waiver by the disciplined member of the Department of any and all right of review.

30-2-8 SUSPENSION OF MEMBER. Any full-time, regular, sworn member of the Department, who has completed at least **twelve (12) months** of continuous service with the Department, and who is suspended more than **three (3) days** by the Chief of Police and such suspension is upheld upon review by the Commissioner of Public Affairs, or who is dismissed from service by the Commissioner of Public Affairs, may request a hearing on such disciplinary action before the City Council, by submitting a written request for such hearing to the City Clerk within **five (5) days** after such disciplinary action is upheld or imposed by the Commissioner of Public Affairs. No temporary Patrol Officer, Special Police, Lake Patrol Officer or any clerical staff assigned to the Police Department, nor any member of the Police Department who has not successfully completed his probationary period, is entitled to a review hearing before the City Council.

30-2-9 HEARING. Within **thirty (30) days** after an authorized written request for hearing is submitted to the City Clerk, the City Council shall conduct a fair and impartial hearing of the charges made against the officer and the disciplinary action taken. Said hearing shall be conducted as an adversary proceeding, in which the Department shall be represented by the City Attorney and the disciplined officer shall have the right to be represented at his own expense by an attorney of his own choosing. Notice of the hearing, together with a petition setting forth the charges against the disciplined officer and the disciplinary action taken, shall be served upon the disciplined officer or his attorney no less than **ten (10) days** prior to the hearing. The Mayor shall preside over the hearing, and a certified court reporter shall be present to administer oaths to all witnesses and record the testimony. The hearing shall not be bound by formal and technical rules of evidence; however, hearsay evidence will not be admissible. If the City Council determines that the charges are not sustained, the disciplined officer shall be reimbursed for all wages withheld, if any, and reinstated to his position prior to the notification of disciplinary action. If the City Council determines that the charges are sustained, then it shall either affirm the disciplinary action imposed or modify such disciplinary action where appropriate. The City Council's findings and decision shall be made in writing and presented at the first open Council meeting following the hearing. Said action shall be final administrative decision, notice of which shall be served upon the disciplined officer.

30-2-10 CONTINUED EMPLOYMENT. Nothing in this Article or in any rules or regulations promulgated or to be promulgated by the Chief of Police with the consent of the Commissioner of Public Affairs shall be deemed to give any member of the Department any right to continued employment or any property interest in his position beyond the expiration of his term of office.

30-2-11 - 30-2-15 RESERVED.

DIVISION II - POLICE CHIEF

30-2-16 OFFICE ESTABLISHED. There is hereby created the office of Chief of Police, who shall be appointed annually by the Commissioner of Public Affairs, with the approval of the City Council, on the **first (1st) day of May** of each year, or as soon thereafter as practical, which appointment shall be for the term of **one (1) year** and/or until his successor is appointed and has qualified, unless he is suspended or dismissed for good cause prior to the expiration of his term. The Chief of Police may be reappointed upon expiration of his term, but such reappointment shall be within the sole discretion of the Commissioner of Public Affairs, with the approval of the City Council. No one shall be deemed to have any right or property interest in the office of Chief of Police after the expiration of his term. The Chief of Police shall be vested with the general administration, supervision and control of the Police Department and shall perform such duties as are imposed upon him by law or ordinance, and in addition thereto such other duties as may be assigned to him from time to time by the City Council or by the Commissioner of Public Affairs. He shall be known also as the City Marshal.

30-2-17 OATH OF OFFICE AND BOND. Before entering upon the duties of the office of Chief of Police, a person shall take the oath prescribed for all City officers and enter into bond in the penal sum of **Three Thousand Dollars ($3,000.00),** with good and sufficient sureties to be approved by the City Council, conditioned upon the faithful performance and discharge of his duties in such office. He shall receive such salary or compensation as the City Council by ordinance or resolution may direct.

30-2-18 MANAGEMENT OF DEPARTMENT. The Chief of Police shall, in subordination to the Commissioner of Public Affairs, have the full management and control of the Police Department, and all regulations and orders of said Department shall be promulgated through him. All subordinate officers of said Department shall be subject to such rules and regulations as from time to time shall be prescribed by said Chief of Police with the approval of the Commissioner of Public Affairs. Primary disciplinary authority and responsibility within the Department shall rest with the Chief of Police, who is authorized to issue oral reprimands, written reprimands, and suspensions up to **thirty (30) days** without pay.

The Chief of Police shall devote his entire time to the discharge of the duties of his office and shall be charged with the preservation of the peace, order, safety and cleanliness of the City, and to this end shall execute and enforce all ordinances and Police Department rules and regulations of said City, and orders of the City Council and Mayor.

30-2-19 CODE ENFORCEMENT. The Chief of Police shall be charged with the duty of protecting the rights of persons and property and providing proper police protection at every fire within the City limits. He shall also take notice of all nuisances and take proper steps to abate the same. He shall cause to be removed all impediments and obstructions in the streets, avenues, alleys, and public places of the City, or cause immediate notice thereof to be given to the proper officer whose duty it may be to attend to the same, according to the ordinances of the City.

30-2-20 ATTENDING CITY COUNCIL MEETINGS. The Chief of Police shall attend, either in person or by deputy, all meetings of the City Council when requested by the Mayor or any Commissioner. He shall also serve all warrants or other legal process required to be served by him by law or ordinance of the City.

30-2-21 REPORTS. The Chief of Police shall make monthly reports in writing to the Mayor, who shall lay same before the City Council, of the number of arrests made by the Police Department during the preceding month and the offenses charged.

30-2-22 PROPERTY SUPERVISION. The Chief of Police shall have general supervision of all books, records, equipment and other property belonging to the Police Department, and of stolen goods seized and detained by police authority. Upon expiration of his term of office, or resignation or removal therefrom, he shall surrender to the Mayor, or his successor in office, all books, records, equipment, property and other effects coming into his possession by virtue of his office.

30-2-23 INFORMING CITY ATTORNEY. It shall be the duty of the Chief of Police to cause the City Attorney to be informed of any suits instituted by him, or through him and his department, wherein the interest of the City may require the presence of said City Attorney at the trial thereof.

30-2-24 - 30-2-26 RESERVED.

DIVISION III - PATROL OFFICERS

30-2-27 POSITION ESTABLISHED. There is hereby created the office of Patrol Officer, who shall be appointed annually by the Commissioner of Public Affairs, with the approval of the City Council, on the **first (1st) day of May** of each year, or as soon thereafter as may be. The Commissioner of Public Affairs may appoint as many Patrol Officers as in his judgment shall be sufficient to properly patrol the City and secure the peace and safety of the inhabitants. Each Patrol Officer shall hold his office for the term of **one (1) year** and/or until his successor is appointed and has qualified or until it is determined that there shall be no successor, unless he is suspended or dismissed for good cause prior to the expiration of his term. A Patrol Officer may be reappointed upon the expiration of his term, but such reappointment shall be within the sole discretion of the Commissioner of Public Affairs, with the approval of the City Council, and no one shall be deemed to have any right to or any property interest in the office of Patrol Officer after the expiration of his term. If in the judgment of the Commissioner of Public Affairs, the peace and safety of the inhabitants of the City are sufficiently protected by the appointment of the Chief of Police alone, then he will not need to appoint any Patrol Officer.

30-2-28 OATH AND BOND. Before entering upon the duties of his office, each Patrol Officer shall take the oath prescribed for all City officers, and shall execute a bond payable to the City, in the penal sum of **One Thousand Dollars ($1,000.00),** with sureties to be approved by the City Council conditioned upon the faithful performance of the duties of his office. Patrol Officers shall receive such salary or compensation as shall be provided by ordinance.

30-2-29 AGE AND CHARACTER. No person shall be appointed to or retained in the position of a regular, full-time Patrol Officer who is under **twenty-one (21) years** of age nor unless he is of good moral character. **(Ord. No. 540-13; 10-28-13)**

30-2-30 SERGEANT APPOINTED. A Sergeant may be appointed by the Chief of Police, at his discretion, from the ranks of Patrol Officers and may be returned to Patrol Officer at any time by the Chief of Police at his discretion, without benefit of any hearing whatsoever. In

addition to his duties as a Patrol Officer, the Sergeant shall perform the duties to which he may be assigned by the Chief of Police and shall assume the duties and responsibilities of the Chief of Police in the absence of the Chief of Police. The Sergeant also has the authority for emergency suspensions and for disciplinary action in the absence of the Chief of Police.

30-2-31 DISCHARGE OF DUTIES. All Patrol Officers when on duty, shall devote their entire time to the proper discharge of their duties as prescribed by the ordinances of the City and the rules and regulations of the Police Department. It shall be their special duty to preserve order, peace and quiet, and to enforce all the ordinances throughout the City.

30-2-32 WARRANTS SERVED. All Patrol Officers shall have power and authority, and it shall be their duty to serve and execute warrants and other legal papers for the apprehension and commitment of persons charged with the violation of any City ordinance, or any crime or misdemeanor, or offense against the laws of the City and State, or held for examination or trial. And they shall also have power and authority, and it shall be their duty to serve and execute any civil process issued by any court on any person that is named in such civil process.

30-2-33 FIRE DEPARTMENT AID. It shall be the duty of all Patrol Officers to aid the fire department of the Altamont Fire Protection District in case of fire within the City of Altamont, by clearing the streets or grounds in the immediate vicinity of the fire, whenever the same shall be necessary to aid the firemen in the performance of their duties.

30-2-34 GAMBLING SEIZES. It shall be the duty of all Patrol Officers to seize any table, instrument, chips, slot machine or gambling device, or anything of any kind used for gambling and forthwith convey the same to the police headquarters or City Hall.

30-2-35 TEMPORARY PATROL OFFICERS. The Commissioner of Public Affairs may, in emergencies or on special occasions when in his judgment it shall be necessary for the preservation of the peace and order of the City, appoint and commission such number of temporary Patrol Officers as he may deem necessary. Said temporary Patrol Officers shall be dismissed as soon as the exigency of their appointment shall no longer exist. During the term of their appointment said temporary Patrol Officers shall possess the powers and exercise the duties of the regular Patrol Officers and shall receive the same compensation. However, at the next regular meeting of the City Council after the appointment of a temporary Patrol Officer, the Commissioner of Public Affairs shall lay before the City Council the names and number of temporary Patrol Officers so appointed and the cause therefor, and if the acts of the Commissioner of Public Affairs in making said appointments are not approved and confirmed, said temporary Patrol Officers shall be considered and held to be at once dismissed and discharged.

30-2-36 SPECIAL POLICE OFFICERS. On application being made to him, the Commissioner of Public Affairs may appoint any suitable person in the employ of any corporation, association, individual or firm, as a Special Police Officer in and for the City. Special Police Officers shall have all the qualifications required in the case of regular Patrol Officers; they shall take and subscribe the same oath, give like bond, exercise the same power, be under the control of the same authorities, and be subject to the same rules and regulations of the Police Department so far as the same are applicable to them; provided, however, that such Special Police Officers shall not be compensated by nor deemed to be employees of the City of Altamont. Said Special Police Officers shall be provided with stars by the person or persons asking for their appointment, each of which shall have engraved thereon the words, “Special Police, Altamont”.

30-2-37 ARREST POWER. The Patrol Officers, together with the Chief of Police, and all persons possessing the power and authority of Patrol Officers, shall have the power to arrest all persons in the City found in the act of violating any law or ordinance, or aiding or abetting in any such violation, and shall arrest all persons found under suspicious circumstances and shall take all persons so arrested to the appropriate local detention facility.

30-2-38 ASSISTANCE REQUESTED. Any police officer may, at any time, call upon any able-bodied male person above the age of **twenty-one (21) years** to aid him in arresting or taking into custody any person guilty of having committed any unlawful act, or charged therewith, or to aid such officers in preventing the commission of any unlawful act. Whoever shall refuse or neglect to give such aid or assistance when so requested shall be subject to a penalty of not less than **Ten Dollars ($10.00)** nor more than **Fifty Dollars ($50.00)** for each offense.

30-2-39 RESISTING ARREST. Whoever shall resist any sworn member of the Police Department in the discharge of his duty, or shall in any way interfere with or prevent him from discharging his duty, or shall endeavor to do so; and whoever shall, in any manner, assist any person in the custody of any member of the police force, to escape, or attempt to escape from such custody shall be fined as provided in **Section 1-1-20**.

30-2-40 PART-TIME POLICE.

(A) **Employment.** The City may employ part-time police officers from time to time as they deem necessary.

(B) **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Altamont Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time officers shall not be assigned to supervise or direct full-time police officers. Part-time officers shall be trained in accordance with the Illinois Police Training Act **(50 ILCS 705/1 et seq.)** and the rules and requirements of the Illinois Law Enforcement Training Standards Board.

(C) **Hiring Standards.** Any person employed as a part-time police officer must meet the following standards:

(1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
(2) Be at least **twenty-one (21) years** of age.
(3) Pass a medical examination.
(4) Possess a high school diploma or GED certificate.
(5) Possess a valid State of Illinois driver's license.
(6) Possess no prior felony convictions.
(7) Any individual who has served in the U.S. military must have been honorably discharged.

(D) **Discipline.** Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the City authorities, shall not have any property rights in said employment, and may be removed by the City authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(Ord. No. 511-12; 05-29-12)

(Ord. No. 209; 06-13-88)
(See 65 ILCS 5/11-1-2)

ARTICLE III - EMERGENCY MANAGEMENT AGENCY (EMA)

30-3-1 POLICY AND PROCEDURES.

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

(1) To create a municipal **emergency management agency**;

(2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter **(65 ILCS 5/11-1-6)**; and

(3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

30-3-2 LIMITATIONS. Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-3-3 DEFINITIONS. As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Director** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

(G) All references to the Emergency Management Agency shall mean the "Emergency Management Agency and Office of Homeland Security" or E.M.A.-OHS.

30-3-4 EMERGENCY MANAGEMENT AGENCY.

(A) There is hereby created an **Emergency Management Agency** and a Director of the **Emergency Management Agency**, herein called the "Director", who shall be the head thereof. The Director shall be appointed by the Mayor with the advice and consent of the City Council and he/she shall serve for a term of **one (1) year**.

(B) The **Emergency Management Agency** shall obtain, with City Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The Director, subject to the direction and control of the Mayor, shall be the executive head of the Municipal **Emergency Management Agency**, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He/She shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government. The Director shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the Mayor, as provided by statute.

In the event of the absence, resignation, death, or inability to serve by the Director, the Deputy Director shall serve and if he/she is not able to serve then the Mayor or any persons designated by him/her, shall be and act as Director until a new appointment is made as provided in this Code.

(D) The Municipal **Emergency Management Agency** shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal **Emergency Management Agency** shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal **Emergency Management Agency** shall:

(1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;

(2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois **Emergency Management Agency**;

(3) Biannually review and revise the local Emergency Operations Plan;

(4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;

(5) Establish a register of government and private response resources available for use in a disaster;

(6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.

(7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;

(8) Initiate and coordinate planning for:

(a) The establishment of an emergency operating center;

(b) The implementation of a 911 system.

(9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-3-5 EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the **Emergency Management Agency** and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his/her duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his/her duties under this Code, the Mayor is further authorized:

(1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him/her.

(2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the county, state and federal governments and other political subdivisions, and which plan and program may include:

(a) Prevention and minimization of injury and damage caused by disaster;

(b) Prompt and effective response to disaster;

(c) Emergency relief;

(d) Identification of areas particularly vulnerable to disasters;

(e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(f) Assistance to local officials in designing local emergency action plans;

(g) Authorization and procedures for the erection or other construction of temporary works designed to protect

against or mitigate danger, damage or loss from flood, conflagration or other disaster;

(h) Organization of municipal manpower and chains of command;

(i) Coordination of local emergency management activities;

(j) Other necessary matters.

(3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.

(4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

(D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the **Emergency Management Agency** as its office.

30-3-6 FINANCING.

(A) It is the intent of the City Council 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 City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he/she shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council 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 City Council 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 City Council 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 City Council. 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 City Council. 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 City Council meets at such time, he/she shall act subject to the directions and restrictions imposed by that body.

30-3-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-3-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS. The Director for emergency management operations may, in collaboration with other public agencies within his/her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-3-3** of this Code, it shall be the duty of each local department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-3-10 COMMUNICATIONS. The local **Emergency Management Agency** shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-3-11 IMMUNITY. Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-3-12 PROFESSIONS, TRADES AND OCCUPATIONS. If such disaster as is described in **Section 30-3-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the Director of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-3-13 APPROPRIATIONS AND LEVY OF TAX. The City Council 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 City Council may also, pursuant to **65 ILCS 5/8-3-16**, levy for emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents ($0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-3-14 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS. Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-3-15 ORDERS, RULES AND REGULATIONS.

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/her pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-3-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The **Emergency Management Agency** established pursuant to this Code, and the Director thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois **Emergency Management Agency** Act. The local **Emergency Management Agency** shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State **Emergency Management Agency** shall furnish such orders, rules and regulations to the agency.

30-3-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL. In carrying out the provisions of this Code, the Mayor and the Director of the **Emergency Management Agency** are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the Director and the **Emergency Management Agency**.

30-3-17 NO PRIVATE LIABILITY.

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his/her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable, therefore.

30-3-18 SUCCESSION. In the event of the death, absence from the Municipality or other disability of the Mayor preventing him/her from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law during an emergency, the Director of the **Emergency Management Agency** shall succeed to the duties and responsibilities of the Mayor relating to such emergency.

30-3-19 COMPENSATION. The **Emergency Management Agency** Director and Deputy Director shall receive a salary as established by the Mayor and City Council. Other members of the **Emergency Management Agency** who are paid employees or officers of the City, if called for training by the State Director of the **Emergency Management Agency**, shall receive, for the time spent in such training, the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training time, such compensation as may be established by the Mayor and City Council.

30-3-20 DEPUTY DIRECTOR. The Deputy Director of the City **Emergency Management Agency** shall be appointed by the Mayor with the advice and consent of the City Council. The Deputy Director shall be under the direction of the **Emergency Management Agency** Director. The Deputy Director shall assist the Director as necessary. In the event of the absence, resignation, death or inability of the Director to serve, Deputy Director shall be and act as Director.

30-3-21 PERSONNEL OATH. Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal **Emergency Management Agency**, shall, before entering upon his/her duties, take an oath, in writing, before the Director of the municipal **Emergency Management Agency** before a person authorized to administer oaths in this municipality, which oath shall be filed with the Director of the **Emergency Management Agency**, and which oath shall be substantially as follows:

> "I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the City, 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 City Council, as provided herein in **Section 30-3-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-3-23 MOBILE SUPPORT TEAM. All or any members of the City EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the Director of the City EMA organization.

Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State, reasonable compensation as provided by law.

30-3-24 PENALTY. Any person convicted of violating this Code or any order thereunder, shall upon conviction, be fined as provided in **Section 1-1-20** of this Code.

(See 20 ILCS 3305/1 et seq.)

CHAPTER 31 – RECREATION AND PARKS

ARTICLE			TITLE	PAGE
I	PARK REGULATIONS			
	Section 31-1-1	-	Destruction of Park Property	31-1
	Section 31-1-2	-	Littering – Water Pollution	31-1
	Section 31-1-3	-	Camping and Fires in Parks	31-1
	Section 31-1-4	-	Picnics	31-1
	Section 31-1-5	-	Possession or Consumption of Alcoholic Liquor in City Parks	31-1
	Section 31-1-6	-	Erection of Structures	31-2
	Section 31-1-7	-	Signs	31-2
	Section 31-1-8	-	Animals	31-2
	Section 31-1-9	-	Motor Vehicles Prohibited	31-2
	Section 31-1-10	-	Sales; Amusements for Gain	31-2
	Section 31-1-11	-	Group Activities	31-2
	Section 31-1-12	-	Application for Permit	31-2
	Section 31-1-13	-	Decision on Permit Application	31-2
	Section 31-1-14	-	Issuance or Denial of Permit	31-3
	Section 31-1-15	-	Hours	31-3
	Section 31-1-16	-	Fees	31-3
II	CITY RESERVOIR			
	Section 31-2-1	-	Location and Description	31-4
	Section 31-2-2	-	Fishing	31-4
	Section 31-2-3	-	Swimming	31-4
	Section 31-2-4	-	Boating	31-4
	Section 31-2-5	-	Damage to Property	31-4
	Section 31-2-6	-	Vehicles on Dam Prohibited	31-4
	Section 31-2-7	-	Camping Prohibited	31-4
	Section 31-2-8	-	Rubbish and Debris	31-4
	Section 31-2-9	-	Offenses	31-4
	Exhibit "A"	-	Gilbert Park Ball Field Use Application	31-5

CHAPTER 31

RECREATION AND PARKS

ARTICLE I - PARK REGULATIONS

31-1-1 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 City 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.

31-1-2 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.

31-1-3 CAMPING AND 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) No person shall camp in the City Park without permission of the City.

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

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

31-1-4 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.

31-1-5 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR IN CITY PARKS. No person shall consume, possess or have any alcoholic liquor, except in the original package and with the seal unbroken, upon, at or within any premises owned, used or designated as a park by the City of Altamont, except as follows:

(A) Non-profit civic, religious, charitable organizations or corporations, family reunions and similar groups shall have the right to have and consume alcoholic beverages in Schmidt Park, Heritage Park, and Gilbert Park provided that a permit is obtained from the City of Altamont. The alcoholic beverages shall be confined to a particular pavilion or area of the Park. The charge for such a permit shall be **Five Dollars ($5.00). (Ord. No. 124; 07-14-80)**

31-1-6 ERECTION OF STRUCTURES. No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained a permit to do so from the City.

31-1-7 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 City.

31-1-8 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 streets, paths or other ways expressly provided and posted for that purpose.

31-1-9 MOTOR VEHICLES PROHIBITED. No person other than municipal personnel on official business shall drive or park any motor vehicle, including snowmobiles, in any municipal park except on a roadway or parking lot.

31-1-10 SALES; AMUSEMENTS FOR GAIN. Within the parks of this municipality, no person shall, without having first obtained a permit from the City:

(A) sell or offer for sale any goods or services; or

(B) conduct any amusement for gain or for which a charge is made.

31-1-11 GROUP ACTIVITIES. Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics, parties, exhibitions or performances, a representative of the group shall first apply for and obtain a permit for such activity from the City Council.

31-1-12 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.

31-1-13 DECISION ON PERMIT APPLICATION. After due consideration of the information contained in the permit application, but not later than **seven (7) days** after the application has been filed, the Mayor shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:

(A) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(B) the facilities desired have not been reserved for other use at the day and hour requested in the application;

(C) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;

(D) the proper policing of such activity will not require the diversion of so great a number of police officers as to prevent normal protection to the remainder of this municipality;

(E) the conduct of such activity is not reasonably likely to cause injury to persons or property or to incite violence, crime or disorderly conduct; and

(F) such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

31-1-14 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.

31-1-15 HOURS. The City Parks, named Schmidt Park, Klitzing (Heritage) Park, Frog Pond Park and the Triangle will close daily at **10:00 p.m.**

Gilbert Park shall close at **11:00 p.m.** or **thirty (30) minutes** after the end of the last scheduled ball game.

No one shall be in a City park without the Mayor's permission after the established hours of that park. **(Ord. No. 514-12; 06-25-12)**

31-1-16 FEES. The fee to all organized teams shall be **Three Hundred Dollars ($300.00)** per season for use of ball diamonds at Gilbert Park. Fees shall be paid to the City prior to the beginning of the season.

All organized tournaments consisting of **four (4)** or more teams shall pay **Three Hundred Dollars ($300.00)** per tournament for use of ball diamonds at Gilbert Park.

The Ball Field Use Application shall be completed and signed by the person(s) responsible for the team organization or tournament making application. **(See Exhibit A)**
(Ord. No. 816-25; 05-13-25)

ARTICLE II - CITY RESERVOIR

31-2-1 LOCATION AND DESCRIPTION. The City Water Reservoir and the land the City owns adjoining it, located and described as follows:

The SE¼ of the SE¼; S½ of the S½ of the NE¼ of the SE¼; E½ of the SW¼ of the SE¼; north half (N½) of the north half (N½) of the south half (S½) of the northeast quarter (NE¼) of the southeast quarter (SE¼); south half (S½) of the north half (N½) of the south half (S½) of the northeast quarter (NE¼) of the southeast quarter (SE¼); a piece of land 8 rods wide north and south and 20 rods long east and west out of the northeast corner of the E½ of the SE¼ of the NW¼; 8 acres off of the north side of the W½ of the SW¼ of the SE; the N½ of the NE¼ of the SW¼; S½ of NW¼ of SE¼; a piece of land 624 feet long east and west and 416 feet wide north and south out of the northeast corner of the SW¼ of the NW¼; E½ of the NE¼ of NW¼, except a piece of land 256 feet square out of the northeast corner thereof, and the E½ of SE¼ of NW¼, except a piece of land 8 rods wide north and south and 20 rods long east and west out of the northeast corner thereof; the N½ of N½ of the SE; NW¼ of the NW¼ excepting a piece of land thereof described and bounded as follows, commencing at a point 605.8 feet east of the northwest corner thereof, running thence east 208.7 feet, thence south 417.4 feet, thence west 208.7 feet, thence north 417.4 feet to the point of beginning; W½ of the NE of the NW¼; W½ of the SE¼ of the NW¼; SW¼ of the NE¼, excepting the east five acres thereof; all in Section 23, Township 7 North, Range 4 East of the 3rd P.M. situated in Effingham County, Illinois; be, and the same are hereby made subject to the following regulations and subject to the penalties for violations of such regulations.

31-2-2 FISHING. The Fish Code of the State of Illinois be, and the same is hereby adopted for the regulation of fishing in the said City Reservoir.

31-2-3 SWIMMING. Swimming in the Reservoir is hereby prohibited.

31-2-4 BOATING. Motorboats shall not be operated on the reservoir, except for the purpose of treating the water by City employees, but all other boats may be operated on said reservoir at the risk of the persons desiring to do so. Electric trolling motors shall be permitted.

31-2-5 DAMAGE TO PROPERTY. No person shall carry away, remove or negligently deface, cut, or destroy or otherwise injure any mound, street, shrub, railing, bridge, culvert, fence, plant, or any building or article or thing belonging to the reservoir site, or in any way injure, or damage the dam on the reservoir site.

31-2-6 VEHICLES ON DAM PROHIBITED. The driving or riding of a vehicle on, over, or across the top of the dam, or on the side of the dam, other than on established roadways, is hereby prohibited.

31-2-7 CAMPING PROHIBITED. Camping on the reservoir site is hereby prohibited.

31-2-8 RUBBISH AND DEBRIS. The dumping or depositing of rubbish or debris into the reservoir, or onto the reservoir site, is hereby prohibited.

31-2-9 OFFENSES. All offenses listed in **Chapter 27** of the City Code shall be applicable to the City Reservoir.

(Ord. No. 52; 08-26-74)

EXHIBIT "A"

GILBERT PARK
BALL FIELD USE APPLICATION

_____
Team or Tournament Name

_____ Application Date _____
Printed Name of Responsible Party

_____
Signature of Responsible Party

Phone Number _____

Address _____

Date of Event _____

Please sign and return this Ball Field Use Application to:

City of Altamont
202 North Second Street
Altamont IL 62411

Fee **$300.00** Date Paid _____

GILBERT PARK
BALL FIELD USE RULES & REGULATIONS

1. Payment of ball field use fees authorizes the team or tournament use of field(s) for sport activities, practices, games, tournaments, clinics/camps/classes and use of batters building.

2. Privileges may be revoked if there is a failure to follow City regulations.

3. Teams and tournament organizers shall take sincere steps to encourage participants, coaches, officials and spectators, to demonstrate respect for all facilities. This includes emphasis on sportsmanship, proper conduct and language, proper use of equipment and care for facilities, and trash pick-up.

4. Teams and tournament organizers must collect and deposit all trash from their fields into appropriate containers immediately following each game or practice. Please keep our parks clean and do not litter.

5. City will mow all grass areas, service restrooms and regularly collect trash for removal.

6. To avoid damage, the following are not allowed on any ball field: studs and heels on footwear, chairs, stakes in tents, goals and other structures.

7. Gilbert Park hours are **6:00 A.M.** to **11:00 P.M.** or **thirty (30) minutes** after end of last scheduled game as established in Ordinance 416-06.

8. The speed limit in the park is **15 MPH**. The posted speed limit must be observed.

9. All vehicles within the parks should only be driven and parked on designated roadways and parking lots.

10. All pets must be kept on a leash at all times. In accordance with City ordinances, owners must properly clean up after their pets.

11. The City is not responsible for any personal property loss or damage to vehicles.

12. Teams and tournament organizers possessing keys to facilities are responsible for opening and closing the facility and must ensure the facility is locked prior to vacating the park.

13. Each team or tournament must designate a person(s) to inform team coaches, representatives and players about the City procedures and rules.

14. The above signed responsible party is asked to report any problems with field conditions, equipment and lights to the Park Commissioner or City office.

15. Ball field lighting shall be turned off **thirty (30) minutes** after last scheduled game.

16. No activity will be permitted which is in violation of local, state, and federal statutes. Teams must adhere to all City Ordinances during the use of City facilities and parks. Any participants violating any of these rules may be asked to vacate the premises.

(Ord. No. 816-25; 05-13-25)

CHAPTER 33 – STREET REGULATIONS

ARTICLE		TITLE	PAGE
I	DEPARTMENT OF PUBLIC IMPROVEMENTS ESTABLISHED		
	Section 33-1-1 -	Department Established	33-1
II	GENERAL REGULATIONS		
	Section 33-2-1 -	Undermining	33-1
	Section 33-2-2 -	Open Doors	33-1
	Section 33-2-3 -	Stairway - Railing	33-1
	Section 33-2-4 -	Closing Street	33-1
	Section 33-2-5 -	Signs Across Street	33-1
	Section 33-2-6 -	Vehicles on Sidewalks	33-1
	Section 33-2-7 -	Deposits on Sidewalks	33-7
	Section 33-2-8 -	Obstructing Street	33-2
	Section 33-2-9 -	Rainwater Drains	33-2
	Section 33-2-10 -	Building Materials in Street	33-2
	Section 33-2-11 -	Merchandise on Public Street	33-2
	Section 33-2-12 -	Encroachments	33-2
	Section 33-2-13 -	Posting Bills	33-2
	Section 33-2-14 -	Signs on Poles	33-3
	Section 33-2-15 -	Injury to New Pavements	33-3
	Section 33-2-16 -	Barbed-Wire Fences	33-3
	Section 33-2-17 -	Burning on Public Streets	33-3
III	TREES AND SHRUBS		
	Section 33-3-1 -	Planting	33-4
	Section 33-3-2 -	Planting Trees in Right-of-Way	33-4
	Section 33-3-3 -	Removal	33-4
	Section 33-3-4 -	Injury	33-4
	Section 33-3-5 -	Advertisements or Notices	33-4
	Section 33-3-6 -	Dangerous Trees	33-4
	Section 33-3-7 -	Wires	33-4
	Section 33-3-8 -	Gas Pipes	33-4
IV	STANDARDS FOR CONSTRUCTION, REPAIR AND MAINTENANCE OF UTILITY FACILITIES WITHIN PUBLIC WAYS		
	Section 33-4-1 -	Purpose	33-5
	Section 33-4-2 -	Intent	33-5
	Section 33-4-3 -	Definitions	33-5
	Section 33-4-4 -	Facilities Subject to This Article	33-9
	Section 33-4-5 -	Franchises, Licenses or Similar Agreements	33-9
	Section 33-4-6 -	Varying of Provisions	33-10
	Section 33-4-7 -	Annual Registration Required	33-10
	Section 33-4-8 -	Permit Required; Applications and Fees	33-10
	Section 33-4-9 -	Action on Permit Applications	33-12
	Section 33-4-10 -	Effect of Permit	33-13
	Section 33-4-11 -	Revised Permit Drawings	33-13
	Section 33-4-12 -	Insurance	33-14
	Section 33-4-13 -	Indemnification	33-15
	Section 33-4-14 -	Security	33-15
	Section 33-4-15 -	Permit Suspension and Revocation	33-17

ARTICLE		TITLE	PAGE
IV		STANDARDS FOR CONSTRUCTION, REPAIR AND MAINTENANCE OF UTILITY FACILITIES WITHIN PUBLIC WAYS (CONTINUED)	
	Section 33-4-16	- Change of Ownership or Owner's Identity or Legal Status	33-17
	Section 33-4-17	- General Construction Standards	33-18
	Section 33-4-18	- Traffic Control	33-18
	Section 33-4-19	- Location of Facilities	33-19
	Section 33-4-20	- Relocation of Public Utilities	33-21
	Section 33-4-21	- Construction Methods and Materials	33-21
	Section 33-4-22	- Vegetation Control/Repair	33-27
	Section 33-4-23	- Removal, Relocation, or Modification of Utility Facilities	33-29
	Section 33-4-24	- No Delay to City Projects	33-29
	Section 33-4-25	- Cleanup and Restoration	33-29
	Section 33-4-26	- Maintenance and Emergency Maintenance	33-30
	Section 33-4-27	- Damage to Electric Lines, Water Lines, Sewer Lines or Lateral Pipes	33-30
	Section 33-4-28	- Variances	33-30
	Section 33-4-29	- Utility Providers	33-31
	Section 33-4-30	- Penalties	33-31
	Section 33-4-31	- Enforcement	33-31
V		SIDEWALKS	
	Section 33-5-1	- Sidewalk Construction	33-32
	Section 33-5-2	- Definition	33-32
	Section 33-5-3	- Construction Requirements	33-32
	Section 33-5-4	- Physical Constraints	33-32
	Section 33-5-5	- New Sidewalks	33-32
	Section 33-5-6	- Replacement Sidewalks	33-32
	Section 33-5-7	- Private Contractor	33-32
	Section 33-5-8	- Agreement Required	33-32
VI		STREET IMPROVEMENTS	
	Section 33-6-1	- Curbs and Gutters	33-33
	Section 33-6-2	- Storm Sewers	33-33
VII		CULVERTS	
	Section 33-7-1	- Obstruction of Drain or Storm Sewer	33-34
	Section 33-7-2	- Permit for Culvert	33-34
	Section 33-7-3	- Application for Permit	33-34
	Section 33-7-4	- Termination of Permit	33-34
	Section 33-7-5	- Type of Culvert	33-34
	Section 33-7-6	- Cost of Installation	33-34
	Section 33-7-7	- Backfill Cost	33-34
	Section 33-7-8	- Replacement Cost	33-34
VIII		DRIVEWAYS	
	Section 33-8-1	- Permits Required	33-35
	Section 33-8-2	- Permit Fee	33-35
	Section 33-8-3	- Grade Surface	33-35
	Section 33-8-4	- Specifications	33-35

ARTICLE			TITLE	PAGE
VIII	DRIVEWAYS (CONTINUED)			
	Section 33-8-5	-	Breaking Curb – Bond Required	33-35
	Section 33-8-6	-	Repair	33-35
IX	MOVING BUILDINGS			
	Section 33-9-1	-	Permit Required	33-36
	Section 33-9-2	-	Application for Permit	33-36
	Section 33-9-3	-	Investigation	33-36
	Section 33-9-4	-	Denial of Permit	33-36
	Section 33-9-5	-	Terms and Conditions of Permit	33-36
	Section 33-9-6	-	Estimate of Cost and Deposit	33-37
	Section 33-9-7	-	Liability Insurance	33-37
	Section 33-9-8	-	Owner's Completion Bond or Savings and Loan Certificate and Share	33-37
	Section 33-9-9	-	Clearance of Site and Safety Measures Required	33-37
	Section 33-9-10	-	Inspection Fee and Permit Fee	33-38
	Section 33-9-11	-	Issuance of Permit	33-38
	Section 33-9-12	-	Suspension or Revocation of Permit	33-38
	Section 33-9-13	-	Control and Supervision	33-38
	Section 33-9-14	-	Notice Required	33-38
	Section 33-9-15	-	Default in Performance of Conditions	33-38
	Section 33-9-16	-	Approval of Route	33-39
	Section 33-9-17	-	Obstructing Streets	33-39
	Section 33-9-18	-	Lights and Barricades	33-39
	Section 33-9-19	-	Wires and Structural Supports	33-39
	Section 33-9-20	-	Trees, Plants and Shrubs	33-39
	Section 33-9-21	-	Repairs to Public Property	33-40
	Section 33-9-22	-	Refunding of Deposits	33-40
X	STRUCTURE NUMBERS			
	Section 33-10-1	-	Required	33-41
	Section 33-10-2	-	Base Lines	33-41
	Section 33-10-3	-	Numbers Assigned	33-41
	Section 33-10-4	-	Display of Numbers	33-41
	Section 33-10-5	-	Penalties for Violation	33-41
	Appendix "A"	-	Street and Alley Permit Petition	33-42
	Appendix "B"	-	Sidewalk Construction Agreement	33-44

CHAPTER 33

STREET REGULATIONS

ARTICLE I – DEPARTMENT OF PUBLIC IMPROVEMENTS ESTABLISHED

33-1-1 DEPARTMENT ESTABLISHED. There is hereby established a Department of the Municipal Government which shall be known as the **Department of Streets and Public Improvements**. It shall embrace the **Commissioner of Streets and Public Improvements** or his designated representatives. Whenever the term "Commissioner" is used it shall include his designated representative where applicable.

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 City 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 City 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 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.

33-2-4 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.

33-2-5 SIGNS ACROSS STREET. No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council. **(See 65 ILCS 5/11-80-17)**

33-2-6 VEHICLES ON SIDEWALKS. No person shall operate any motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

33-2-7 DEPOSITS ON SIDEWALKS. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **two (2) feet.**

33-2-8 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, sidewalk or easement in the City, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise 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)**

33-2-9 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 City 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 City 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 City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City 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.

33-2-10 BUILDING MATERIALS IN STREET. The Street Superintendent may move any obstruction on any street or sidewalk of the City, 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)**

33-2-11 MERCHANDISE ON PUBLIC STREET. It shall be unlawful for any person to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; unless permission is granted by the City Council. **(See 65 ILCS 5/11-80-3)**

33-2-12 ENCROACHMENTS. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-13 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.

33-2-14 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.

33-2-15 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.

33-2-16 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 designated to cause injury to persons, or any wire charged with electrical current, anywhere within **three feet (3')** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **six (6) feet** above the level of such public place. **(See Chapter 40)**

33-2-17 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 City.

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 City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

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 without the approval of the Commissioner.

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 City Council 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 City Council.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8 GAS PIPES. Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

ARTICLE IV – STANDARDS FOR CONSTRUCTION, REPAIR AND MAINTENANCE OF UTILITY FACILITIES WITHIN PUBLIC WAYS

33-4-1 PURPOSE. The purpose of this Article is to establish standards and procedures for the construction, repair and maintenance of facilities on public ways within the corporate limits of the City, which shall provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the public ways located within the corporate limits of the City.

33-4-2 INTENT. By enacting this Article, the City intends to exercise its authority over the public ways within the corporate limits of the City, and particularly the use of public ways and public property by utility providers, by establishing uniform standards and procedures to address issues presented by the demand for access to and use of public ways in the City, including, but not limited to:

(1) prevent interference with the use of streets, highways, sidewalks, alleys, parkways and other public ways and places;
(2) prevent the creation of visual and physical obstructions and other conditions which are hazardous to vehicular and pedestrian traffic;
(3) prevent interference with the facilities and operations of the City's utilities and of other utilities lawfully located in public ways or public property;
(4) protect against environmental damage, including damage to trees, from the installation of 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 residential areas of the City;
(8) prevent visual blight from the proliferation of facilities in public ways; and,
(9) assure the continued safe use and enjoyment of private properties adjacent to facilities locations.

33-4-3 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 530.30, unless the context clearly requires otherwise.

"AASHTO" shall mean the American Association of State Highway and Transportation Officials.

"ANSI" shall mean the American National Standards Institute.

"Applicant" shall mean the person applying for a permit under this Article.

"ASTM" shall mean the American Society for Testing and Materials.

"Backfill" shall mean the methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring" shall mean to excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator" shall mean any person or group of persons who:

(A) provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system; or,

(B) otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

"Cable Service" shall mean:

(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service; and,

(B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"Cable System" shall mean a utility provider's facility, consisting of a set of closed-transmission paths and associated signal general, reception, and control equipment that is designed to provide cable service and/or video service, which includes video programming and which is provided to multiple subscribers within the service area.

"Carrier Pipe" shall mean the pipe enclosing the liquid, gas or slurry to be transported.

"Casing" shall mean the structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Casing Pipe" shall mean a pipe used for bores over **six (6) inches** in diameter, which carries the pipe, conduit, wires, or cables being constructed. Casing pipe for jack and auger boring shall be steel. Casing pipe for other bores may be HDPE, restrained joint PVC, or other materials as approved by the Clerk.

"City" shall mean the City of Altamont, Illinois.

"Clear Zone" shall mean 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.

"Clerk" shall mean the City Clerk for the City of Altamont, Illinois, or nis or her designee.

"Coating" shall mean the protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Code" shall mean the Revised Code of Ordinances of the City of Altamont, Illinois.

"Conductor" shall mean a wire carrying electric current.

"Conduit" shall mean a casing or encasement for wires or cables.

"Construction" or "Construct" shall mean the installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover" shall mean the depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility" shall mean a facility that crosses one or more public way lines of a public way.

"Disrupt the Public Way" shall mean, for the purposes of this Article, any work that obstructs the public way or causes a material adverse effect on the use of the public way for its intended use. Such work may include, but is not limited to, 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 but does not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Drilling Fluid/Mud" shall mean a mixture of water and usually bentonite and/or polymer continuously pumped to a rotating cutting head or rotating back reamer to facilitate cutting, reduce required torque, facilitation the removal of cuttings, stabilizing the borehole, cooling the head, and/or lubricating the installation of a boring. In suitable soil conditions, the Clerk may authorize, in his/her sole discretion, the use of water alone.

"Emergency" shall mean any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the public way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement" shall mean any provision of a protective casing.

"Equipment" shall mean materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation" or "Excavating" shall mean the making of a hole or cavity by removing material or laying bare by digging.

"Extra Heavy Pipe" shall mean pipe meeting ASTM standards for this pipe designation.

"Facility" shall mean to include, but is not limited to, any and all structures, devices, objects, and materials (including, but not limited to, cables, cabinets, ducts, conduits,

converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, track and rails, tunnels, utilities, vaults, wires, ducts, fiber optic cable, antennas, boxes, equipment enclosures, pedestals, poles, grates, covers, and appurtenances thereto) located on, over, above, along, upon, under, across, or within public way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the City.

"Freestanding Facility" shall mean a facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road" shall mean a roadway, usually a parallel roadway, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

"Hazardous Materials" shall mean any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Clerk 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" shall mean the Illinois Highway Code, **605 ILCS 5/1-101 et seq.**, as amended from time to time.

"Highway" shall mean a specific type of public way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, frontage road, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder" shall mean a person or entity that has received authorization to offer or provide cable service or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, **220 ILCS 5/21-401**.

"Horizontal Directional Boring or Drilling" shall mean a method of trenchless technology in which a steerable, small diameter (less than **six (6) inches** in diameter) is drilled from either a pit or the ground surface. For pipes, conduits, wires, or cables less than **six (6) inches** in diameter, the pilot bore is pulled back with or without a rotating back reamer and the pipe, conduit, wire, or cable attached. For multiple pipes, conduits, wires, or cable or bores greater than **six (6) inches** in diameter, a casing pipe shall be pulled aback with the back reamer.

"IDOT" shall mean the Illinois Department of Transportation.

"ICC" shall mean the Illinois Commerce Commission.

"Jack and Auger Boring" shall mean a method of trenchless technology in which a steel casing pipe is jacked from a bore pit using hydraulic cylinders (jacks), mechanical jacks, or air jacks with the soil is removed from inside the casing pipe by means of a rotating cutting head with an auger attached to transport the soil to the rear of the casing pipe where it is removed from the bore pit. The rotating cutting edge in jack and auger boring shall not be extended so as to be completely past the leading edge of the casing pipe. A device may be attached to the leading edge of the casing pipe to provide limited steering capabilities.

"Jacking" shall mean the pushing of a pipe horizontally under a roadway by mechanical means without boring or augering.

"Jetting" shall mean pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use" shall mean the use of pole lines, trenches or other facilities by two or more utility providers.

"J.U.L.I.E." shall mean the Joint Utility Locating Information for Excavators utility notification program.

"Major Intersection" shall mean the intersection of two or more major arterial highways.

"Occupancy" shall mean the presence of facilities on, over, above, along, upon, under, across or within a public way.

"Parallel Facility" shall mean a facility that is generally parallel or longitudinal to the centerline of a public way.

"Parkway" shall mean any portion of a public way not improved by street or sidewalk.

"Pavement Cut" shall mean the removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee" shall mean that person to which a permit has been issued pursuant to **Sections 33-4-8** and **33-4-9** of this Article.

"Person" shall mean any individual, firm, partnership, organization, corporation, limited liability company, association, proprietorship, governmental entity, or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law.

"Practicable" shall mean that which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure" shall mean the internal force acting radically against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines" shall mean pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Pipe Bursting/Ramming" shall mean a method of trenchless technology in which a new pipe is mechanically forced through the ground or an existing pipe, bursting or breaking and forcing pieces of the old pipe into the adjacent ground.

"Promptly" shall mean that which is done within a period of time specified by the City. If no time period is specified, the period shall be **thirty (30) calendar days**.

"Public Entity" shall mean a legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Public Ways" or "Public Way" shall mean the surface of, and the space above and below, any public street, highway, boulevard, alley, roadway, sidewalk, parkway, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible use now or hereafter held by the City. "Public ways" or "public way" shall not include any real or personal property owned by the City, that is not specifically described in the previous two sentences and shall not include buildings, fixtures and other structures or improvements owned by the City, regardless of whether they are situated in the public way.

"Restoration" shall mean the removal of the facility and/or repair of a public way, highway, roadway, or other area disrupted by the construction of a facility.

"Roadway" shall mean that part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail" shall mean 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" shall mean that amount of security required pursuant to **Section 33-4-19**.

"Shoulder" shall mean 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.

"Telecommunications" shall include, 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 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 City 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" shall mean any person that installs, owns, operates or controls facilities in the public ways used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer" shall mean and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench" shall mean a relatively narrow open excavation for the installation of an underground facility.

"Tunneling" shall mean a method of trenchless technology in which an opening beneath the ground is excavated by various means but is not followed by the immediate installation of pipe, conduit, wire, cable, or casing for pipe, conduit, wire, and/or cable for other means of support to prevent cave-in or collapse.

"Utility Provider" shall mean any person, including, but not limited to a holder and/or telecommunications provider, owning or operating any facility as defined in this Article, other than the City.

"Vent" shall mean a pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

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

"Water Lines" shall mean pipelines carrying raw or potable water.

"Wet Boring" shall mean boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

33-4-4 FACILITIES SUBJECT TO THIS ARTICLE. This Article shall apply to all facilities on, over, above, along, upon, under, across or within public ways within the corporate limits of the City. A facility lawfully established and operated by a utility provider prior to the effective date of this Article may continue to be maintained, repaired and operated by said utility provider presently constructed and located, so long as said maintenance, repair and operation is in accordance with the provisions of this Article, as amended from time to time, and as otherwise provided in any applicable franchise, license, permit or similar agreement.

33-4-5 FRANCHISES, LICENSES OR SIMILAR AGREEMENTS. The City, in its sole discretion and as limited by law, may require utility providers to enter into a franchise agreement, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across or within the City's public ways. Utility providers that are not required by law to enter into such an agreement may request the City enter into such an agreement. In such an agreement, the City may provide for terms and conditions inconsistent with this Article.

(A) **Effect of Franchises, Licenses or Similar Agreements.**

(1) **Utilities Other Than Telecommunications Providers.** In the event a utility provider other than a telecommunications provider has a franchise, license or similar agreement with the City, 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 City 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.

33-4-6 VARYING OF PROVISIONS. The City, in administering this Article, may vary the standards, methods, conditions, and requirements expressed in this Article, when the City, in its sole discretion, so determines. Nothing herein shall be construed to limit the ability of the City to regulate its public ways for the protection of the public health, safety and welfare.

33-4-7 ANNUAL REGISTRATION REQUIRED. Every utility provider occupying public ways within the City shall register on **January 1** of each year with the Clerk, providing the utility provider'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 provider in connection with emergencies involving the utility provider's facilities in the public way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-4-12** of this Article.

33-4-8 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct any facility on, over, above, along, upon, under, across, or within any City public way which:

(1) changes the location of the facility;

(2) adds a new facility;

(3) disrupts the public way, or

(4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the public way, without first filing an application with the Clerk and obtaining a permit from the City 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 public way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the City and shall be filed in such number of duplicate copies as the City may designate. The applicant may designate those portions of its application materials 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 provider, or its duly authorized representative, and shall contain, at a minimum, the following:

(1) The utility provider's name and address and telephone and telecopy numbers;

(2) The applicant's name and address, if different than the utility provider, its telephone and telecopy numbers, e-mail address and its interest in the work;

(3) The names, addresses, 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 provider has placed on file with the City the following items:

(a) A written traffic control plan demonstrating the protective measures and devices that will be employed by the utility provider 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 utility provider. The intended response shall include notification to the City 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 City finds that additional information or assurances are needed;

(6) Drawings, plans and specifications, including an electronic version compatible with the City's GIS system, showing the existing facilities and work proposed, including the certification of an Illinois professional engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations and are located within the surveyed public way(s);

(7) Evidence that the applicant is a member of Joint Utility Locating Information for Excavators (J.U.L.I.E.);

(8) Evidence of insurance as required in **Section 33-4-12** of this Article;

(9) Evidence of posting of the security fund as required in **Section 33-4-14** of this Article;

(10) Any request for a variance from one or more provisions of this Article **(See Section 33-4-28)**; and

(11) Such additional information as may be reasonably required by the City.

(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 provider subject to the permit application:

(1) In the case of the installation of a new electric power, communications, telecommunications, cable service, video service or natural gas distribution system, evidence of any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or evidence the applicant has elected to obtain, has been issued by the ICC, IDOT or other jurisdictional authority said authorizations;

(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, and attach a copy of any permit required by the Illinois Environmental Protection Agency;

(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, and attach a copy of any permit required by the Illinois Environmental Protection Agency; 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 provider in writing to the City within **thirty (30) calendar 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 $1,500.00. 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, **35 ILCS 645/1 et seq.**

33-4-9 ACTION ON PERMIT APPLICATIONS.

(A) **Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Clerk within **forty-five (45) calendar days** after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Clerk shall reject such application in writing, stating the reasons therefor. Furthermore, if the Clerk requests additional information and/or documentation as part of the permit application, and the applicant fails to provide said information and/or documentation in a timely manner, said permit application shall be rejected and said applicant shall be required to resubmit a new permit application. If the Clerk is satisfied the proposed work conforms to the requirements of this Article and all other applicable ordinances, codes, laws, rules, and regulations, the Clerk 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 Clerk, in his/her sole discretion, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional Review of Applications of Telecommunications Retailers.**

(1) Pursuant to Section 4 of the Telephone Company Act, **220 ILCS 65/4**, a telecommunications retailer shall provide written notice to the City that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such written 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 City not less than **ten (10) calendar days** prior to the commencement of work requiring no excavation and not less than **thirty (30) calendar days** prior to the commencement of work requiring excavation. The Clerk shall specify the portion of the public way upon which the facility may be placed, used and constructed.

(2) In the event the Clerk fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) calendar days** after service of notice to the City by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **thirty (30) calendar 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, provided, however, that the

telecommunications retailer shall provide written notice to the Clerk of the date in which the telecommunications retailer will commence work and provide evidence of the payment of the application fee as required in **Section 33-4-8** of this Article, posting of the security fund as required in **Section 33-4-14** of this Article, and evidence of insurance as required in **Section 33-4-12** of this Article.

(3) Upon the provision of such specification by the City, where a permit is required for work pursuant to **Section 33-4-17** of this Article the telecommunications retailer shall submit to the City 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 Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility provider 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 City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations and has provided evidence of the payment of the application fee as required in **Section 33-4-8** of this Article, posting of the security fund as required in **Section 33-4-14** of this Article, and evidence of insurance as required in **Section 33-4-12** of this Article.

33-4-10 EFFECT OF PERMIT.

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the City authorizes a permittee to undertake only certain activities in accordance with this Article on the public ways within the City 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 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. Notwithstanding the foregoing, any permit issued under this Article shall expire **two (2) years** after issuance.

(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 City with such City representatives in attendance as the Clerk 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, but not limited to, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of public way by the public during construction and ingress and egress by adjacent property owners, and methods of construction.

(D) **Compliance With All Laws Required.** The issuance of a permit under this Article by the City does not excuse the permittee from complying with other requirements of the City and applicable statutes, laws, ordinances, rules, and regulations.

33-4-11 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, including an electronic version compatible with the City's GIS system, to the City within **ninety (90) calendar days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where and how 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 33-4-28** of this Article. If the City denies the request for a variance, then the

permittee shall either remove the facility from the public way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor. If the permittee fails to remove or modify the facility promptly, as required by the City, then the City may remove said facility at the permittee's expense.

33-4-12 INSURANCE.

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility provider occupying public way or constructing any facility in the public way shall secure and maintain the following liability insurance policies insuring the utility provider as named insured and naming the City, and its elected and appointed officers, officials, agents, and employees as additional insureds, on a primary, non-contributory basis, on the policies listed in paragraphs (1) and (2) below:

(1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:

(a) **Five Million Dollars ($5,000,000.00)** for bodily injury or death to each person;

(b) **Five Million Dollars ($5,000,000.00)** for property damage resulting from any one accident; and

(c) **Five Million Dollars ($5,000,000.00)** for all other types of liability;

(2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars ($1,000,000.00)** for personal injury and property damage for each accident;

(3) Worker's compensation insurance with the prescribed statutory limit; and,

(4) Employer's liability insurance with limits of not less than **One Million Dollars ($1,000,000.00)** per employee and per accident.

(B) **Contractor and Subcontractor Insurance.** If the utility provider is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors of the utility provider shall comply with the requirements of 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 provider shall provide copies of any of the policies required by this Section to the City within **ten (10) calendar days** following receipt of a written request therefor from the City.

(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) calendar days** after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Clerk of such intent to cancel or not to renew."

Within **ten (10) calendar days** after receipt by the City of said notice, and in no event later than **ten (10) calendar days** prior to said cancellation, the utility provider shall obtain and furnish to the City evidence of replacement insurance policies meeting the requirements of this Section.

(F) **Self-Insurance.** A utility provider may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility provider 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 provider that elects to self-insure shall provide to the City 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 provider is a "private self-insurer" under the Illinois Workers Compensation Act.

(G) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility provider to the City and any person for any of the matters 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 effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

33-4-13 INDEMNIFICATION. By occupying or constructing facilities in public ways, a utility provider shall be deemed to agree to indemnify, defend and hold harmless the City and its elected and appointed officials, officers, employees, agents and representatives, from and against any and all injuries, claims, demands, judgments, damages, losses, causes of action, liabilities, settlement payments, costs, interest, awards and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or in relation to the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility provider or its affiliates, officers, employees, agents, contractors or subcontractors, as said conduct relates to any action required or contemplated pursuant to this Article, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license or similar agreement; provided, however, the utility provider's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses directly caused by the willful negligence or willful misconduct by the City and its officials, officers, employees, agents or representatives.

33-4-14 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 as 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 City, due to the permittee's failure to comply with any ordinances, rules, regulations, orders, permits and other directives of the City, issued pursuant to this Article; and,

(3) The payment by permittee of all liens and all damages, claims, costs, or expenses the City may pay or incur by reason of any action or non-performance by permittee in violation of this Article, including, but not limited to, any damage to public property or restoration work the permittee is required by this Article to perform which the City must perform itself or have completed as a consequence of the permittee's failure to perform or complete, and all other payments due the City from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the City in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the City, or an unconditional irrevocable letter of credit in a form acceptable to the City. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

(1) Provide it will not be canceled without prior written notice to the City and the permittee;

(2) Not require the consent of the permittee prior to the collection by the City of any amounts covered by it; and

(3) Provide a location convenient to the City 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 public way to at least as good a condition as existing prior to the construction under the permit, as determined by the Clerk, in his/her sole discretion, and may also include reasonable, directly related costs the City 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 within the City, 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 Clerk may, in the exercise of his/er sole discretion, allow the permittee to post a single amount of security which shall be applicable to each individual phase of the construction under the permit. The amount of the Security Fund for individual phases of construction shall be equal to the greatest amount which would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The City, upon **fourteen (14) calendar 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 City for such amount within the **fourteen (14) calendar 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 City for any damages, claims, costs or expenses which the City 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 which the City determines can be remedied by an expenditure of an amount sufficient from the Security Fund.

(E) **Replenishment.** Within **fourteen (14) calendar days** after receipt of written notice from the City that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the City, upon written request for said withdrawal to the City, provided any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the City 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 City to the extent necessary to cover any reasonable costs, loss or damage incurred by the City as a result of the revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the City with respect to the Security Fund are in addition to all other rights of the City, 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 City may have. Notwithstanding the foregoing, the City shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

33-4-15 PERMIT SUSPENSION AND REVOCATION.

(A) **Right to Revoke Permit.** The City 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 the requirements of this Article or any other applicable law;

(3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the public way presenting a direct or imminent threat to the public health, safety, or welfare; or

(4) Permittee's failure to construct facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The City 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 33-4-15**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the City, the permittee shall have the following options:

(1) Immediately provide the City with evidence that no cause exists for the revocation or suspension;

(2) Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within **five (5) business 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 public way and restore the public way to the satisfaction of the City providing written proof of such removal to the City within **ten (10) calendar days** after receipt of the written notice of revocation.

(D) **Extension of Time.** The City may, in its discretion, for good cause shown, extend the time periods provided in paragraph (C).

(E) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(F) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the City or its designee may, at its option:

(1) correct the deficiencies;

(2) upon not less than **twenty (20) calendar days'** written notice to the permittee, remove the subject facilities or equipment; or

(3) after not less than **thirty (30) calendar days'** written notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs and expenses associated with the removal.

33-4-16 CHANGE IN OWNERSHIP OR CHANGE IN OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility provider shall provide written notice to the City no less than **thirty (30) calendar days** prior to the transfer of ownership of any facility in the public way or change in identity or legal status of the utility provider. The new owner of the utility provider 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 public 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 and this Article, including, but not limited to, the indemnification provisions contained in **Section 33-4-13** hereof, if the new owner uses the facility or allows it to remain on the public way of the City.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

33-4-17 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the public way shall be consistent and in accordance with the City's management of the City right-of-way, applicable ordinances, codes, laws, rules and regulations, 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 Clerk shall determine, in the exercise of his/her sole discretion, in accordance with the City's management of the public ways, which principles apply and such decision shall be final. If requested, the Clerk shall state which standard, or principle will apply to the construction, maintenance, or operation of a facility in the future.

33-4-18 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The City's minimum requirements for traffic protection is contained in IDOT's Illinois Manual on Uniform Traffic Control Devices, IDOT's Highway Standards Manual, and this Article.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility provider 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 provider's workers when performing any work on the public way.

(C) **Interference with Traffic.** All work shall be phased and conducted in a manner so there is minimal interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work which will partially or completely block access to any residence, business or institution, the utility provider shall provide written notice to the City as well as to the resident, business or institution of the approximate beginning time and duration of such work; provided, however, in cases involving emergency repairs pursuant to **Section 33-4-26** of this Article, the utility provider shall provide such notice as is reasonable and practicable under the circumstances.

(E) **Compliance.** The utility provider shall take immediate action to correct any deficiencies in traffic protection requirements brought to the utility provider's attention by the City.

33-4-19 LOCATION OF FACILITIES.

(A) **General Requirements.** In addition to location requirements applicable to specific types of facilities, all facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

(1) **No Interference with Facilities Owned by the City.** No facilities shall be placed in any location the Clerk determines which location will require the relocation or displacement of any of the City's facilities or will otherwise interfere with the operation or maintenance of any of the City's facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only minimal interference with the use of the public way and shall cause only minimal impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said public way.

(3) **No Interference with Travel.** No facility shall be placed in any location that in any way interferes with the usual travel on such public way.

(4) **No Limitations on Visibility.** No facility shall be placed in any location so as to limit visibility of or by users of the public 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 public way lines of a highway, only if:

(a) Lines are located as near as practicable to the public way line and as nearly parallel to the public 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 and/or gutter as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line or gutter 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 public way line or as near as possible to the public way line.

(2) **Underground Parallel Facilities.** An underground parallel facility may be located within the public way lines of a highway only if:

(a) The facility is located as near the public way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the public way line;

(b) A new facility may, in the sole discretion of the City, be located under the paved portion of a highway only if other locations are impracticable or inconsistent (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 public way line as practicable and not more than **five (5) feet (1.5m)** from the public way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the public 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 the highways of the City 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, storm sewers, sanitary sewers, water lines, 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 possible.

(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 public 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 provider's foreseeable future expansion needs is provided in the initial installation.

(6) **Markers.** The City may require the utility provider to provide a marker at each public 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 provider's name, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations found at 49 C.F.R. §192.707 (1989).

(D) **Facilities to be Located Within Particular Public Way.** The City may require in its sole discretion, utility providers to locate facilities within particular public ways that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

(1) The City may restrict the location and size of any freestanding facility located within a public way.

(2) The City may require any freestanding facility located within a public way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may only be installed only if:

(1) No other existing facilities in the area are located underground; and,

(2) New underground installation is not technically feasible, as determined by the Clerk, in his/her sole discretion; 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 provider 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 provider 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 provider 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 City may prohibit the installation of facilities in particular locations in order to preserve the aesthetic and visual qualities of the area.

(2) A facility may only be constructed if its construction does not require extensive removal or alteration of trees or terrain features visible to the public way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-4-20 RELOCATION OF PUBLIC UTILITIES. In the event a utility provider must relocate utilities owned by the City, the utility provider's plans must be approved by the Clerk. The proposed relocation shall meet the standards of the City for electric, water, sewers and street, as set forth in **Chapter 34** and **Chapter 38** of the Revised Code of Ordinances.

33-4-21 CONSTRUCTION METHODS AND MATERIALS.

(A) **General Standards and Safety Requirements.** The construction, operation and maintenance of facilities located in the public way shall be performed in an orderly and workmanlike manner and shall further be performed in such a manner to maintain customer service. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations, as well as the National Electric Safety Code.

(B) **Standards and Requirements for Particular Types of Construction Methods.**

(1) No borings or trenches will be allowed in the public way within **ten (10) feet** of culverts, storm sewer, drainage structures, water mains, sanitary sewer mains, sanitary force mains or any other

underground utility unless prior approval has been obtained from the Clerk.

(2) Jacking, jetting, tunneling and pipe bursting/ramming for a pipe, conduit, wire or cable greater than **two (2) inches** in diameter for a roadway crossing shall not be allowed.

(3) The Clerk shall, in his/her sole discretion, approve any roadway crossing by bore or open trench of a pipe, conduit, wire or cable **six (6) inches** in diameter or larger or multiple pipes, conduits, wires or cables. A separate plan sheet showing the plan and profile of a roadway crossing shall be included in the plans. The plan view shall show dimensions from the proposed crossing to such visible features as to reasonably locate the location of the proposed crossing. The profile view shall show the existing surface at the proposed with elevations at but not limited to ditch flowlines, each edge of right-of-way and/or easement, each edge of pavement, each center of lane(s), each edge of lane(s), centerline of pavement and depths of existing utilities. The benchmark from which the elevations were derived shall be included on sheets in the plans.

(4) A pipe, conduit, wire or cable **six (6) inches** in diameter or larger installed by boring shall be in a casing pipe.

(5) Multiple pipes, conduits, wires or cables may be laid in the same open trench unless other regulations, rules or requirements prohibit placement in the same trench. Multiple pipes, conduits, wires or cables placed by boring will require casing pipe. If more than one bore is required, the minimum width between the bores shall be the width of the largest pipe but no less than **three (3) feet**.

(6) A record of any bore **six (6) inches** in diameter or larger shall be submitted to the Clerk within **one (1) business day** after completion of the bore. Elevations shall be taken at each edge of pavement, each center of lane(s), each edge of lane(s), and centerline of pavement and recorded on the plan and profile sheet in the plans.

(7) Any damage to the roadway by boring, including, but not limited to raising or cracking the pavement shall be repaired or replaced.

(8) **Jack and Auger Boring.** Jack and auger boring may be utilized for installation, repair, or maintenance of a facility on the public way if authorized and/or required by the Clerk, in his/her sole discretion, but is typically utilized for larger borings under roadways, railroads, streams and similar areas where open but/trenches are not practical or allowed. If jack and auger boring is authorized and/or required, the jack and auger boring shall be completed in compliance with the following requirements:

(a) **Pits and Shoring.** Pits shall be a minimum of **ten (12) feet** from the back of curb, edge of gutter, edge of pavement shoulder or edge of pavement. Pits shall be excavated no more than **forty-eight (48) hours** in advance of the operations and shall be backfilled within **forty-eight (48) hours** after operations are completed. While pits are open, they shall be clearly marked and protected by barricades and temporary fencing. 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 until backfill operations are completed.

(b) **Drilling Fluid/Mud.** Water or a mixture of water and bentonite and/or polymer may be pumped to the rotating cutting head to ease cutting of soil material and auger to the back of the casing pipe.

(c) **Rotating Cutting Head.** The rotating cutting edge shall not be extended so as to be completely past the leading edge of the pipe casing.

(9) **Horizontal Directional Boring or Drilling.** Horizontal directional boring or drilling may be utilized for installation, repair, or maintenance of a facility on the public way if authorized and/or required by the Clerk, in his/her sole discretion. If horizontal directional boring or drilling is authorized and/or required, the horizontal directional boring or drilling shall be completed in compliance with the following requirements:

(a) **Pits and Shoring.** Pits shall be a minimum of **ten (10) feet** from the back of curb, edge of gutter, edge of pavement shoulder or edge of pavement. Pits shall be excavated no more than **forty-eight (48) hours** in advance of the operations and shall be backfilled within **forty-eight (48) hours** after operations are completed. While pits are open, they shall be clearly marked and protected by barricades and temporary fencing. 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 until backfill operations are completed.

(b) **Surface Launch Bore.** A horizontal directional boring or drilling may be launched from the existing ground surface if sufficient easement and/or right of way is available. A surface launch bore shall be such that the required depth is achieved at the right of way or easement line.

(c) **Drilling Fluid/Mud.** Water or a mixture of water and bentonite and/or polymer may be pumped to the back reamer to ease cutting of soil material, consolidating the materials, and lubrication of the pipe or casing following the back reamer. Drilling fluid/mud that has escaped the bore, bore pit or is otherwise not contained shall be cleaned up. Under no circumstances is the fluid/mud to be washed into a drain, storm sewer, ditch, creek, stream, river or other bodies of water.

(d) **Back Reamer.** The cutting diameter of the back reamer shall not exceed the greatest outside diameter of the casing pipe by more than **two (2) inches**.

(e) **Casing Pipe.** Under no circumstances shall a back reamer with a diameter of **six (6) inches** or more be pulled back without the casing pipe.

(10) **Trenching.** Trenching for facility installation, repair, or maintenance on the public way shall be done in accordance 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 Clerk.

(b) **Open Trench and Excavated Material.** Open trench and windrowed 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 public way width does not allow for windrowing 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 provider shall not trench within the drip line of any tree designated by the City to be preserved.

(11) **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. If the utility provider utilizes an open trench, the trench shall be backfilled and compacted with CA6 gradation and the surface of public ways shall be replaced with the same depth and material as previously existed.

(b) For a period of **three (3) years** from the date construction of a facility is completed, the utility provider shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Clerk, the utility provider, 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 Clerk.

(12) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph (12) is permitted under **Section 33-4-28**, the following requirements shall apply:

(a) Any excavation under pavements shall be backfilled and compacted by mechanical means as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Clerk.

(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 City.

(c) All saw cuts shall be full depth.

(d) For all public ways which have been reconstructed with a concrete surface/base in the last **seven (7) years** or resurfaced in the last **five (5) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(13) **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 City.

(b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the public 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 jointed pipe approved by the City, is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and is continuous or mechanical joints are of a type approved by the City. 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 public way.

(14) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches
Communication, Cable or Video Service Lines	24 inches
Gas or Petroleum Products	30 inches
Water Line	Sufficient to Provide Freeze Protection per IEPA requirements
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient to Provide Freeze Protection per IEPA requirements

(C) **Standards and Requirements for Particular Types of Facilities.**

(1) **Electric Power or Communication Lines.**

(a) **Code Compliance.** Electric power or communications facilities along any public way in the City 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. Utility providers 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. Notwithstanding the foregoing, any cable or group of cables measuring **six (6) inches** or more in diameter must be encased.

(iii) Cable shall be grounded in accordance with the National Electrical Safety Code.

(iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 31** of the current year, also known as snowdrops, shall be buried by **May 1** of the current year, weather permitting, unless otherwise permitted by the City. Weather permitting, utility providers 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, boring or horizontal directional drilling with vented encasement provided between the ditch lines or toes of slopes of the highway; or,

(c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction.

(3) **Gas Transmission, Distribution and Service.** Gas pipelines within a public way shall be constructed, maintained, and operated in a manner approved by the City, 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 a public 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 a public way shall meet or exceed the recommendations of the current "Standard Specifications for

Water and Sewer Main Construction in Illinois" and any applicable IEPA requirements.

(6) **Ground-Mounted Appurtenances.** Ground-mounted appurtenances to overhead or underground facilities, when permitted within a public way, shall be provided with a vegetation-free area extending **one (1) foot** 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 Clerk. With the approval of the Clerk, 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.

(D) **Materials.**

(1) **General Standards.** The materials used in constructing facilities within public ways 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 Public Way.** No material shall be stored on the public way without the prior written approval of the Clerk. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the public way prior to and during installation in a manner to minimize hazards to the public or an obstacle to public way maintenance or damage to the public way and other property. If material is to be stored on public way, prior approval must be obtained from the City.

(3) **Hazardous Materials.** The plans submitted by the utility provider to the City shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(E) **Operational Restrictions.**

(1) Construction operations on public way may, at the discretion of the City, 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 public way or other property.

(2) These restrictions may be waived by the Clerk if emergency work is required to restore vital utility services.

(3) Unless otherwise permitted or required by the City, the days and hours of construction shall be Monday through Friday from **7:00 A.M.** to **7:00 P.M.**

(F) **Location of Existing Facilities.** Any utility provider proposing to construct facilities in the City shall contact J.U.L.I.E. and ascertain the presence and location of existing above ground and underground facilities within public ways to be occupied by its proposed facilities. When notified of an excavation or when requested by the City or by J.U.L.I.E., a utility provider 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.*)**.

33-4-22 VEGETATION CONTROL/REPAIR.

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility provider shall conduct all tree-trimming and vegetation control activities in the

public way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the City as permitted by law.

(B) **Other Utility Providers - Tree Trimming or Removal Permit Required.** Tree trimming that is done by any other utility provider with facilities in public ways and 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 or Removal Permit.** Applications for tree trimming or removal permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning or removal practices. Tree trimming or removal 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 City 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 City may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(3) **Removal of Tree Stumps.** The utility provider shall remove all tree stumps resulting from tree trimming or removing at the expense of the utility provider. Such removal shall include removal of the tree stump, by excavating and/or grinding the tree stump, not less than **eighteen (18) inches** below the surface of the ground. All tree stumps shall be removed no later than **thirty (30) calendar days** following the tree trimming or removal.

(4) All tree trimming and/or tree pruning shall meet the American National Standards Institute (ANSI) pruning standards and pruning methods, as endorsed by the International Society of Arborist (ISA). All crew foreman shall be certified line clearance tree trimmers, and all general foreman shall be arborists certified by the ISA. Evidence that the crew foreman and/or general foreman are properly certified shall be provided to the City prior to commencement of any tree trimming and/or tree pruning activities.

(C) **Specimen Trees or Trees of Special Significance.** The City 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 provider shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the City 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 public way unless the utility provider demonstrates to the satisfaction and sole discretion of the Clerk such spraying is the only practicable method of vegetation control. If the Clerk authorizes such spraying, the utility provider must provide a copy of its applicable Department of Agriculture applicator license.

(E) **Repair of Landscaping.** If any utility provider disturbs any landscaping or surface area in constructing any facility on public way, said utility provider shall be obligated, at the utility provider's expense, to repair any and all landscaping and line, seed, and mulch any

damaged surface area within the public way in accordance with Class 1 or 1A temporary and final landscaping requirements contained within the IDOT Standard Specifications for Road and Bridge Construction, unless otherwise approved by the Clerk. All landscaping and/or seeding shall be completed no later than **thirty (30) calendar days** following completion of the work on the public way. All materials utilized to repair landscaping and/or surface area shall be as designated by the Clerk, at his/her sole discretion.

33-4-23 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.

(A) **Notice.** Within **sixty (60) calendar days** following written notice from the City, a utility provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the public ways whenever the City has determined such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) calendar days** following written notice from the City, any utility provider that owns, controls, or maintains any unauthorized facility or related appurtenances within the public way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public way. A facility is unauthorized and subject to removal by the City 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 City retains the right and privilege to cut or move any facilities located within the public ways of the City, as deemed necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall attempt to notify the utility provider, if known, prior to cutting or removing a facility and shall notify the utility provider, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of or useful life of a facility within the public ways of the City, the utility provider shall provide written notice to the City within **ninety (90) calendar days**. Following receipt of such notice the City may direct the utility provider to remove all or any portion of the facility if the Clerk determines, in his/her sole discretion, such removal will be in the best interest of the public health, safety and welfare. In the event that the City does not direct the utility provider which abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility provider shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility provider or person.

33-4-24 NO DELAY TO CITY PROJECTS. A utility provider shall conduct all construction, relocation and repairs to facilities in a timely fashion so as not to delay any projects undertaken by the City. All work shall be commenced and completed promptly as defined in **Section 33-4-6** of this Article.

33-4-25 CLEANUP AND RESTORATION OF PUBLIC WAYS. The utility provider shall remove all excess material and restore all turf and terrain and other property within **ten (10) calendar days** after any portion of the public ways are disturbed, damaged or destroyed due to construction or maintenance by the utility provider. This shall be done to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Clerk. Such cleanup and

repair may be required to consist of backfilling, rough grading, final regrading, reseeding, resodding, or any other requirement to restore the public way to a condition substantially equivalent to that which existed prior to the commencement of the project. Under no circumstances shall a utility provider dispose of any material into a storm or sanitary sewer line within the City without the prior approval of the Clerk. The time period provided in this Section may be extended, in his/her sole discretion, by the Clerk for good cause shown.

33-4-26 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) **General.** Facilities on, over, above, along, upon, under, across, or within public ways are to be maintained by or for the utility provider in a manner satisfactory to the City and at the utility provider'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 public ways, the utility provider shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the public way, including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled portion of the public 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 provider shall, as soon as possible, notify the Clerk or his/her duly authorized agents 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 City Police Department shall be notified immediately.

(3) In an emergency, the utility provider 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 provider must file in writing with the City a description of the repairs undertaken in the public way within **forty-eight (48) hours** after an emergency repair.

33-4-27 DAMAGE TO ELECTRIC LINES, WATER LINES, SEWER LINES OR LATERAL PIPES. In the event a utility provider damages a water line, sewer line, lateral pipe, or electric line and causes the City or any other person, to incur expenses associated with repairing the damage to the line caused by the utility provider, the utility provider shall be liable for the costs of all repairs and damages incurred by the City or private party as a result of the utility provider's damage to a water line, sewer line or lateral pipe.

33-4-28 VARIANCES.

(A) **Request for Variance.** A utility provider requesting a variance from one or more of the provisions of this Article must do so in writing to the Clerk 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 Clerk 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 Clerk may authorize a variance only if the utility provider requesting the variance has demonstrated that:

(1) One or more conditions not under the control of the utility provider (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 Clerk may require the utility provider 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 provider aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Clerk under the provisions of this Article shall have the right to appeal to the Mayor for the City. The application for appeal shall be submitted in writing to the City Clerk within **thirty (30) calendar days** after the date of such order, requirement, decision or determination. The Mayor shall issue a decision on the appeal within **fourteen (14) calendar days** after the filing of the appeal.

33-4-29 UTILITY PROVIDERS. The regulations prescribed within this Article shall not apply to a utility provider, as that term is defined in this Article.

33-4-30 PENALTIES.

(A) Any person, permittee, utility provider or entity which violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall, upon conviction thereof, be deemed guilty of a civil ordinance violation and shall be fined not less than **Two Hundred Fifty Dollars ($250.00)** nor more than **One Thousand Dollars ($1,000.00)** for each offense. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure the violation, and the City may revoke any permit authorized and issued pursuant to tis Article.

(B) There may be times when the City will incur delay or other costs, including third party claims, because the person, permittee, or utility provider will not or cannot perform its duties under its permit and this Article. Unless the person, permittee, or utility provider shows another allocation of the cost of undertaking the requested action is appropriate, the person, permittee, or utility provider shall bear the City'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 City. Sanctions may be imposed upon a utility provider which does not pay the costs apportioned to it.

(C) Every act or omission of whatsoever nature constituting a violation of any provision of this Article, by any officer, director, manager or other agent or employee of any person, permittee, or utility provider, shall be deemed and held to be the act of such person, permittee, or utility provider and the person, permittee, or utility provider shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

33-4-31 ENFORCEMENT. Nothing in this Article shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Article. Furthermore, nothing in this Article shall be construed to limit the City's ability to correct and require compliance with matters inadvertently excluded during any application and/or permit review process.

(Ord. No. 561-14; 10-13-14)

ARTICLE V - SIDEWALKS

33-5-1 SIDEWALK CONSTRUCTION. All sidewalk construction on the streets and the avenues of the City shall be constructed under the supervision of the Department of Streets and Public Improvements of said City. The property owner shall pay for the material used in constructing that part of the sidewalk immediately fronting the property owner's property or on both sides of the property owner's property, if applicable, such as a corner lot. The City shall furnish and pay for the material used in constructing the sidewalks on and across the intersections of the streets, avenues, and alleys in said City. The City shall furnish and pay for all of the labor necessary to construct such sidewalks.

33-5-2 DEFINITION. The term "sidewalk construction" refers to any replacement of existing sidewalks, or initial installation of sidewalks on streets and avenues of the City not previously offering such accommodation.

33-5-3 CONSTRUCTION REQUIREMENTS. All sidewalks shall be **four (4) inches** thick (using 5 bag mix) and constructed in such manner that the top surface of said sidewalk shall follow a line sloping up and away from the top of the curb at a slope of **one-fourth (1/4) inch** per foot. The top surface of said sidewalk shall be at least level with and not more than **one (1) inch** above the finished grade. All sidewalks shall be scored every **four (4) feet** and finished with a broom finish.

33-5-4 PHYSICAL CONSTRAINTS. If the physical site conditions conflict with the above requirements, a representative of the Department of Streets and Public Improvements will work out an agreeable variance procedure with the property owner prior to or during the completion of the sidewalk construction agreement.

33-5-5 NEW SIDEWALKS. When a request for initial new sidewalk construction is made in conjunction with the construction of a new home or other structure, and the City is requested to do the work as outlined in the sidewalk construction agreement hereinafter provided for, such work shall be completed in a reasonable time frame not to exceed **thirty (30) days** after the time when the sidewalk would not be subject to construction equipment or truck traffic.

33-5-6 REPLACEMENT SIDEWALKS. When a request involves replacement of existing sidewalks, an effort will be made to complete the work within a **thirty (30) day** period subject to the priorities of existing projects and emergency and weather conditions.

33-5-7 PRIVATE CONTRACTOR. If the above time frames or if the terms of the sidewalk construction agreement are not acceptable to the requesting property owner, the installation can be made by an independent contractor employed and paid by the property owner providing sidewalk conforms with the above specifications. All such construction shall be solely at the expense of the property owner.

33-5-8 AGREEMENT REQUIRED. Prior to the commencement of any sidewalk construction by the City, the owner or owners of property shall enter into a sidewalk construction agreement with the City. Such agreement shall provide for the property owner to pay for all materials utilized in conjunction with the construction and shall further provide that any owner not paying within **thirty (30) days** after being billed by the City shall be responsible for interest at the rate of **one and one-half percent (1 1/2%)** per month along with any costs of collection, including attorney fees and court costs incurred by the City in collecting the same. The owner shall further agree to grant to the City in collecting the same a lien on its property for the amount of the unpaid materials, costs of collection, and other costs incurred by the City. **(See Appendix "B")**

ARTICLE VI - STREET IMPROVEMENTS

33-6-1 CURBS AND GUTTERS.

(A) **Request in Writing.** Any person owning property within the City who desires to have new curbs and gutters constructed, along with street adjoining his premises shall file a request with the Street Superintendent, giving the location of the property and the length of the curbs and gutters requested. All installations shall conform to the requirements of **Sec. 5/11-80-11 of Chapter 65 of the Illinois Compiled Statutes** and the **Environmental Barriers Act.**

(B) **Cost to Owner.** If the funds are available and the City Council approves the request, the property owner shall pay **one-half (1/2)** of the cost of the construction, including engineering fees, and thereafter the curbs and gutters shall be maintained by the City.

(C) **Approval by City Council.** The approval of the request for construction of curbs and gutters by the City Council shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the City as determined by the City Council.

(D) **Subdivisions.** This Section is not applicable to new subdivisions. **(See 65 ILCS 5/11-80-11)**

33-6-2 STORM SEWERS.

(A) **Description of Storm 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 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 City. 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 VII - CULVERTS

33-7-1 OBSTRUCTION OF DRAIN OR STORM SEWER. It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-7-2 PERMIT FOR CULVERT. It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the City Clerk.

33-7-3 APPLICATION FOR PERMIT. Any person desiring a permit to install or replace any culvert shall file an application therefore with the City 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.

33-7-4 TERMINATION OF PERMIT. All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

33-7-5 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**, or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Street Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The City shall install the culvert.

33-7-6 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.

33-7-7 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.

33-7-8 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 VIII - DRIVEWAYS

33-8-1 PERMITS REQUIRED. No person shall construct a driveway for vehicles or animals across any sidewalk in the City without having first obtained a permit therefore.

Applications for such permits shall be made to the City 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 City Clerk.

33-8-2 PERMIT FEE. The fee for all such permits shall be **One Dollar ($1.00).**

33-8-3 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.

33-8-4 SPECIFICATIONS. Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

33-8-5 BREAKING CURB - BOND REQUIRED. Before a permit can be issued to break a curb in the City 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 City Clerk.

33-8-6 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 IX - MOVING BUILDINGS

33-9-1 PERMIT REQUIRED. It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the City without first obtaining a permit, therefore, from the City Clerk. Such permit shall be known as a **"House Moving Permit".**

33-9-2 APPLICATION FOR PERMIT. Any person desiring such a permit shall file with the City Clerk an application therefore in writing on a form to be furnished by the Street Superintendent for that purpose. Such application shall specify the following:

(A) The character and size of the building to be moved;

(B) The reason for such moving;

(C) The use, purpose and occupancy for which said building or structure is to be used;

(D) The location from which and to which said building is to be moved;

(E) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the City;

(F) The streets on, over or through which it is desired to move said building;

(G) Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

33-9-3 INVESTIGATION. Upon the filing of the application, the Street Superintendent shall cause the Zoning Administrator, or other authorized representative of the City, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

33-9-4 DENIAL OF PERMIT. No person shall be issued to move any building or structure which, in the opinion of the Street Superintendent:

(A) Is so constructed or in such condition as to be dangerous;

(B) Is infested with pests or unsanitary;

(C) If it is a dwelling or habitation, is unfit for human habitation;

(D) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;

(E) If the proposed use is prohibited by the Zoning laws of the City;

(F) If the structure is of a type prohibited at the proposed location by any ordinance of the City; or

(G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the Street Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

33-9-5 TERMS AND CONDITIONS OF PERMIT. When a house moving permit is granted such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the City on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

33-9-6 ESTIMATE OF COST AND DEPOSIT. The applicant shall also deposit with the City Clerk a cash deposit sufficient to cover the cost to the City as estimated by the Street Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the City.

33-9-7 LIABILITY INSURANCE. Every person moving a building in the City shall file with the City Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this Section has been issued and shall set forth the expiration date of said policy.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **One Hundred Thousand Dollars ($100,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **One Million Dollars ($1,000,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **Fifty Thousand Dollars ($50,000.00)** for damage to property of others, resulting from moving any **one (1) building**.

33-9-8 OWNER'S COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE. Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the City, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the City. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent (10%)** thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the City when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

33-9-9 CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security in favor of the City, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately, after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Fill with dirt or sand any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Street Superintendent.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids in accordance with the Illinois Environmental Protection Agency regulations.

(5) Removal all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the Street Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this Section may be granted by the Street Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

33-9-10 INSPECTION FEE AND PERMIT FEE. An inspection fee in the sum of **Fifteen Dollars ($15.00)** shall be paid to the City Clerk upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars ($10.00)** shall be paid to the City Clerk upon the issuance of each house moving permit.

33-9-11 ISSUANCE OF PERMIT. The Street Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the City Clerk to issue the permit.

33-9-12 SUSPENSION OR REVOCATION OF PERMIT. The Street Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

33-9-13 CONTROL AND SUPERVISION. Every building which is moved on, over, or through any public street, way or park in the City shall be under the control of the Street Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the Street Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

33-9-14 NOTICE REQUIRED. Notice must be given to both the Street Department and the Police Department of the City by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

33-9-15 DEFAULT IN PERFORMANCE OF CONDITIONS. Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the Street Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the City Clerk the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon

receipt of notice from the City Clerk that the permittee has deposited such money, the Street Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the City shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

33-9-16 APPROVAL OF ROUTE. The streets over which any building or structure is to be moved must be recommended by the Street Superintendent and the Chief of Police to the City Council for approval.

33-9-17 OBSTRUCTING STREETS. No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the City shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

33-9-18 LIGHTS AND BARRICADES. The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

33-9-19 WIRES AND STRUCTURAL SUPPORTS. In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or City property; and such work shall be done only by the authorized workmen of the utility or the City, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

33-9-20 TREES, PLANTS AND SHRUBS. In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the City, the person to whom such permit has been granted or his authorized representative shall notify the Street Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the City unless otherwise approved and so ordered by the Street Superintendent.

The person to whom the permit is granted shall pay to the City, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

33-9-21 REPAIRS TO PUBLIC PROPERTY. In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the City may have, the Street Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the Street Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the Street Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

33-9-22 REFUNDING OF DEPOSITS. When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the Street Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 33-9-6**, or such portion thereof then remaining unused under the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the City Clerk, upon receipt of the request from the Street Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

ARTICLE X - STRUCTURE NUMBERS

33-10-1 REQUIRED. All lots, buildings, and houses within the corporate limits of the City shall be numbered in accordance with the plan set forth in this Code.

33-10-2 BASE LINES. The base line for streets running north and south shall be Main Street and numbers lying north or south thereof shall be designated north or south as the case may be. The base line for streets running east and west shall be Division Street and numbers lying east and west thereof shall be designated east or west as the case may be.

33-10-3 NUMBERS ASSIGNED. Numbering pursuant to this Code shall begin with the base lines with the number One provided, that the numbers of each block thereafter shall begin with one hundred (100) or a multiple thereof. Odd numbers are to be on the north and east sides of the streets and even numbers shall be on the south and west sides of the streets.

33-10-4 DISPLAY OF NUMBERS. It shall be the duty of the owner and occupant of each building, whether new or existing, in the City to have placed thereon, building numbers or approved building identification placed in a position that is plainly legible and visible from the right of way to which the building is addressed. All numbers shall be in Arabic numerals and measuring not less than **three (3) inches** high with a minimum stroke width of **one-half (1/2) inch** that are visible from the street. These numerals shall be in a conspicuous place and shall be reflective and of a color which can be clearly seen against the background on which they are mounted.

33-10-5 PENALTIES FOR VIOLATION. Any person violating any provision of this Code shall be subject to punishment as provided in **Section 1-1-20** of the Revised Code of Ordinances of the City, for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues; provided, however, that no person shall be liable for the penalty herein provided until after he has received from the City a notice sent to him by mail, or by personal service, of the fact that the building owned or occupied by him does not have the proper number to comply with this Code.

(Ord. No. 413-06; 06-26-06)

APPENDIX "A"

CITY OF ALTAMONT
STREET AND ALLEY DEPARTMENT

202 North Second Street, Altamont, Illinois 62411

STREET AND ALLEY PERMIT PETITION

City of Altamont
State of Illinois

Permit Nos _____

Gentlemen:

Your Petitioner, _____ of _____ (hereinafter referred to as "Petitioner"), requests permission and authority from the City of Altamont, Illinois, (hereinafter referred to as "City") to do certain work herein described to-wit:

A plat depicting the area in which the work is to be performed is attached hereto and made a part hereof.

Said work will be located in, on, under, upon, and along the public ways, streets, or alleys within the confines of the City limits of the City of Altamont.

PERMIT FEE **$15.00**

If the requested Street and Alley Permit is granted, the Petitioner agrees to the following:

1. Work authorized under this Permit shall be presented in such a manner as not to interfere with traffic on said public ways, streets or alleys. Warning lights, barricades and/or warning signs shall be maintained for the adequate protection of the vehicular and pedestrian traffic, as required in Part IV of the "Illinois Manual on Uniform Traffic Devices".

2. That the Petitioner complete the work within _____ days after work is begun, otherwise said Permit shall become null and void. Notice of the beginning of the work shall be given to the City Clerk's office (618-483-5212) at least 24 hours prior to starting construction.

3. That the Petitioner, or its successors or assigns shall indemnify and save harmless the City, its successors or assigns, from all damage, injury, loss, liability, suits, actions or proceedings of every kind and description against said City, its successors or assigns, for or on account of any injury or damages alleged to have been received or sustained by any party or parties by any act of omission of the Petitioner, its agents or servants, in the exercise of this Permit or otherwise arising out of the work described herein. It is hereby provided that written notice be given Petitioner by City, its successors or assigns within thirty (30) days after receipt of knowledge by said City, its successors or assigns of facts justifying the invocation of this paragraph, so that an opportunity is afforded Petitioner to investigate said facts and tender be made by City its successors or assigns to Petitioner to defend the action, all at said Petitioner's sole expense and liability.

4. If the excavation shall exceed fifteen (15) feet in length, the applicant shall be required to give a bond with surety approved by the City Clerk for the repair and replacement of the public way, street or alley to be disturbed. Each Petitioner shall file with the City a public liability insurance policy with the City as the named insured, insuring the City against liability from personal or property damage in the minimum amount of Fifty Thousand Dollars ($50,000.00) for any one person and One Hundred Thousand Dollars ($100,000.00) in any one accident for bodily injury or death and property damage of Five Thousand Dollars ($5,000.00), or comply with Section 530.270 of the Accommodation of Utilities on Right-of-Way of the Illinois State Highway System.

5. It shall be the duty of the Petitioner making any excavation in any street, alley, or public way to refill such excavation and to restore the surface which may have been opened or otherwise disturbed, to a condition equally as good as it was before being so opened or disturbed, to furnish all material, do all work, pay all costs and shall in a reasonable length of time restore said streets, alley, or public ways before the estimated completion date set forth in the application for permit or any extensions granted by the City Clerk.

6. In the event of the failure of the Petitioner to restore the surface within the time specified in the Permit or in a satisfactory manner, the City Clerk shall give a notice to comply with the requirements hereof within five (5) days at the end of which time if same has not been complied with, the City Clerk shall have the work done and the Petitioner shall be billed the cost thereof, plus twenty-five percent (25%).

7. In all cases where a Permit is issued authorizing the cutting, tearing up, removing or repairing of any said streets, alley or public ways, the person to which such Permit is issued shall, as soon as the work for which the Permit was issued is completed, and the earth portion of the excavation or opening is ready to be refilled, notify the Commissioner of Streets and Alleys or such person as may be designated by him, shall inspect the excavation and direct the work of refilling or repairing or restoring the said street, alley, or public way. The paving or sidewalk or surface course of a stabilized roadway shall be of the same type as that which was removed or disturbed and the surface thereof shall be restored to a condition equally as good as it was before being disturbed.

8. Any of the deadlines set forth hereinabove can be extended for a reasonable period of time upon mutual agreement of the City and the Petitioner. In the event that the Petitioner shall not be able to complete the work by the set deadline, they shall within seven (7) days prior to the expiration of the deadline request in writing to the City a reasonable extension of the deadline setting forth the reasons why the Petitioner has been unable to meet the deadline. The City's consent to the extension of a deadline shall not be unreasonably withheld by the City. A new deadline agreed upon by the parties shall be set forth in writing.

_____
Petitioner

STREET AND ALLEY PERMIT

Pursuant to the above Petition, permission is hereby granted Petitioner this __ day of _____ _____, 19____, to proceed with the foregoing work.

This Permit will expire _ days from the above date.

Recommended:

_____
City Clerk

By: _____
Street and Alley Commissioner
City of Altamont, Illinois

APPENDIX "B"

SIDEWALK CONSTRUCTION AGREEMENT

DATE _____

PROPERTY OWNER NAME: _____

Location of property for which sidewalk fronting is requested:

Lot: _____ **Block:** _____

_____, **Altamont, Illinois**

Approximate front footage: _____

I, the undersigned property owner, hereby make application to the City of Altamont for the construction of a sidewalk fronting my property on: _____

_____

The sidewalk is to be four (4) feet wide, four (4) inches thick (using 5 bag mix, no reinforcing mesh) and approximately _____ **lineal feet in length, and consisting of approximately** _____ _____ **yards of concrete at the current price of $**_____ **per yard. I agree that the City shall order the material and bill me for the same. All labor necessary for this construction shall be paid by the City of Altamont. It is further understood by the undersigned that, if payment is not made to the City of Altamont within 30 days after billing, I shall be responsible, in addition to the amount of the materials, for interest at the rate of 1 1/2 percent per month on the unpaid balance due the City of Altamont and shall further be responsible for any costs of collection incurred by the City of Altamont including attorney fees and court costs. I further agree that the City may file a lien against my property for the unpaid balance due to the City including such costs of collection.**

_____
Property Owner

CITY OF ALTAMONT

BY: _____

ATTEST:

_____

EXCAVATION PERMIT

NAME _____

FIRM NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

LOCATION OF PROPOSED EXCAVATION _____

_____

_____

NATURE OF EXCAVATION _____

_____

_____

BONDING COMPANY:

NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

AMOUNT OF BOND $_____

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	CITY/VILLAGE	CITY/VILLAGE OFFICIAL
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

_____
(Applicant's Signature)

APPLICATION FOR CULVERT/DRIVEWAY PERMIT

I, _____, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the City 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: _____, 19__ SIGNED: _____
(APPLICANT)

CULVERT PERMIT

APPLICATION Approved ( ) Disapproved ( )

If disapproved, state reasons:

_____

_____

_____

DATED: _____, 19__ SIGNED: _____
CITY OF ALTAMONT

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: _____, 19__ SIGNED: _____
CITY OF ALTAMONT

CHAPTER 34 - SUBDIVISION CODE

ARTICLE		TITLE	PAGE
I	GENERAL PROVISIONS		
	Section 34-1-1	- Title	34-1
	Section 34-1-2	- Purpose	34-1
	Section 34-1-3	- Jurisdiction	34-1
	Section 34-1-4	- Instances When Plats Will Not Be Required	34-1
	Section 34-1-5	- Interpretation	34-2
	Section 34-1-6	- Disclaimer of Liability	34-2
	Section 34-1-7	- Review and Expiration	34-2
II	DEFINITIONS		
	Section 34-2-1	- Interpretation of Terms	34-3
	Section 34-2-2	- Selected Definitions	34-3
III	PLATS AND PLANS		
	Division I – Preliminary Plats		
	Section 34-3-1	- General Procedure	34-10
	Section 34-3-2	- Filing Procedure	34-10
	Section 34-3-3	- Information Required	34-10
	Section 34-3-4	- Plan Commission Action	34-11
	Section 34-3-5	- Review by City Council; Time Constraints	34-11
	Section 34-3-6	- Rights and Privileges of Subdivider	34-12
	Section 34-3-7	- Reserved	
	Division II – Improvement Plans		
	Section 34-3-8	- Submission of Plans	34-12
	Section 34-3-9	- Information Required	34-12
	Section 34-3-10	- Inspections Required	34-13
	Section 34-3-11	- Filing “As-Built” Records	34-13
	Section 34-3-12	- Reserved	
	Division III – Assurance for Completion of Required Improvements		
	Section 34-3-13	- Approval of Final Plat - Improvements	34-13
	Section 34-3-14	- Forms of Assurance	34-14
	Section 34-3-15	- Amount of Bond or Deposit	34-14
	Section 34-3-16	- Eligible Sureties	34-14
	Section 34-3-17	- Term of Assurance, Extension	34-14
	Section 34-3-18	- Release of Bond/Escrow Deposit	34-14
	Section 34-3-19	- Failure to Complete Improvements	34-14
	Section 34-3-20	- 34-3-21 Reserved	
	Division IV – Final Plats		
	Section 34-3-22	- City Council Approval	34-15
	Section 34-3-23	- Filing, Time Limits	34-15
	Section 34-3-24	- Information Required	34-15
	Section 34-3-25	- Certificates Required	34-16
	Section 34-3-26	- Administrative Review, Advisory Report	34-18
	Section 34-3-27	- Action by City Council	34-18
	Section 34-3-28	- Changes in Approved Final Plats	34-18
	Section 34-3-29	- 34-3-34 Reserved	

ARTICLE	TITLE			PAGE
III	PLATS AND PLANS (CONTINUED)			
	Division V – Maintenance of Improvements			
	Section 34-3-35	-	Subdivider's Responsibilities	34-18
	Section 34-3-36	-	Maintenance Bond	34-18
	Division VI – Vacation of Plats			
	Section 34-3-37	-	Vacation of Plats	34-19
IV	ADMINISTRATIVE PROCEDURES			
	Section 34-4-1	-	Enforcement Officer, Duties	34-20
	Section 34-4-2	-	Subdivision Variances	34-20
	Section 34-4-3	-	Review by Plan Commission	34-20
	Section 34-4-4	-	Action by City Council, Variance Standards	34-20
	Section 34-4-5	-	Amendments	34-21
	Section 34-4-6	-	Schedule of Fees	34-21
	Section 34-4-7	-	Fees; Time of Payment	34-21
V	DESIGN AND IMPROVEMENT STANDARDS			
	Division I – Generally			
	Section 34-5-1	-	Applicability of Article	34-22
	Section 34-5-2	-	Suitability for Development Generally	34-22
	Section 34-5-3	-	Reserved	
	Division II – Lot Requirements			
	Section 34-5-4	-	Conformity with Zoning	34-22
	Section 34-5-5	-	Access and Relationship to Street	34-22
	Section 34-5-6	-	Reference Monuments	34-22
	Division III – Street Design Standards			
	Section 34-5-7	-	Plan Integration	34-23
	Section 34-5-8	-	Right-of-Way and Pavement Widths	34-23
	Section 34-5-9	-	Topographical Considerations	34-23
	Section 34-5-10	-	Through Traffic Discouraged	34-23
	Section 34-5-11	-	Limited Access to Arterials	34-23
	Section 34-5-12	-	Dead-End Streets	34-23
	Section 34-5-13	-	Intersections	34-24
	Section 34-5-14	-	Reverse Curves	34-24
	Section 34-5-15	-	Improvements to Existing Streets	34-24
	Section 34-5-16	-	When Excess Right-of-Way Required	34-24
	Section 34-5-17	-	34-5-19 Reserved	
	Division IV – Street Improvement Standards			
	Section 34-5-20	-	State Requirements	34-24
	Section 34-5-21	-	Curb and Gutter	34-25
	Section 34-5-22	-	Maintenance Responsibility	34-25
	Section 34-5-23	-	34-5-24 Reserved	
	Division V – Blocks			
	Section 34-5-25	-	Block Width	34-26
	Section 34-5-26	-	Block Length	34-26
	Section 34-5-27	-	Crosswalks	34-26
	Section 34-5-28	-	Reserved	

ARTICLE	TITLE			PAGE
V	DESIGN AND IMPROVEMENT STANDARDS (CONTINUED)			
	Division VI – Sidewalks			
	Section 34-5-29	-	Required	34-26
	Section 34-5-30	-	Sidewalk Construction Standards	34-26
	Section 34-5-31	-	Reserved	
	Division VII – Streetlights			
	Section 34-5-32	-	Intersection Lighting	34-27
	Section 34-5-33	-	Streetlight System Standards	34-27
	Section 34-5-34	-	Reserved	
	Division VIII – Street Name Signs			
	Section 34-5-35	-	Specifications	34-27
	Section 34-5-36	-	Reserved	
	Division IX – Utilities			
	Section 34-5-37	-	Utility Location and Easements Required	34-27
	Section 34-5-38	-	Utility Easements	34-27
	Section 34-5-39	-	Drainage Easements	34-28
	Section 34-5-40	-	Maintenance Easements	34-28
	Section 34-5-41	-	Reserved	
	Division X – Water Facilities			
	Section 34-5-42	-	Potable Water Required	34-28
	Section 34-5-43	-	Fire Hydrants	34-28
	Section 34-5-44	-	Reserved	
	Division XI – Sanitary Sewers			
	Section 34-5-45	-	Compliance with Regulations	34-28
	Section 34-5-46	-	When Public System Planned	34-28
	Section 34-5-47	-	34-5-48 Reserved	
	Division XII – Drainage and Storm Sewers			
	Section 34-5-49	-	Purpose and Intent	34-29
	Section 34-5-50	-	Special Definitions	34-29
	Section 34-5-51	-	Reserved	
	Division XIII – General Guidelines			
	Section 34-5-52	-	Applicability	34-30
	Section 34-5-53	-	Affidavit of Disclosure of Property Interest	34-30
	Section 34-5-54	-	Method of Evaluation	34-30
	Section 34-5-55	-	Detention of Differential Runoff	34-30
	Section 34-5-56	-	Flows From Upstream Areas	34-31
	Section 34-5-57	-	Facilities in Floodplains	34-31
	Section 34-5-58	-	Land Credit for Detention Facilities	34-31
	Section 34-5-59	-	Reserved	
	Division XIV – Design Criteria			
	Section 34-5-60	-	General Requirements	34-31
	Section 34-5-61	-	Other References	34-31
	Section 34-5-62	-	Storm Water Runoff	34-31
	Section 34-5-63	-	Hydraulic Considerations for Detention Storage	34-31
	Section 34-5-64	-	Reserved	

ARTICLE	TITLE	PAGE
V	DESIGN AND IMPROVEMENT STANDARDS (CONTINUED)	
	Division XV – Plan Requirements	
	Section 34-5-65 - Plan Requirements	34-32
	Section 34-5-66 - Construction Alternatives	34-33
	Section 34-5-67 - Reserved	
	Division XVI – Inspection, Maintenance and Acceptance by City	
	Section 34-5-68 - Inspection	34-33
	Section 34-5-69 - Maintenance	34-33
	Section 34-5-70 - Acceptance	34-33
	Section 34-5-71 - Reserved	
	Division XVII – Penalties for Violation	
	Section 34-5-72 - General	34-34
	Section 34-5-73 - Corrective Actions	34-34
	Section 34-5-74 - Penalty	34-34

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.

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. 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 City;

(E) to preserve the natural beauty and topography of the City 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 City and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the City.

34-1-4 INSTANCES WHEN PLATS WILL NOT BE REQUIRED. The provision of these regulations do not apply and no plat is required in any of the following instances:

(A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or add 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 add 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 add 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 add special utility easements;

(I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973.**

34-1-5 INTERPRETATION. Every provision of this Code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City'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 City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

34-1-7 REVIEW AND EXPIRATION. This Code shall be reviewed by the Plan Commission every **ten (10) years** for necessary amendments.

ARTICLE II - DEFINITIONS

34-2-1 INTERPRETATION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in Section 34-2-2; terms not defined in Section 34-2-2 shall have the meanings respectively ascribed to them in the City'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.

34-2-2 SELECTED DEFINITIONS.

Administrator: The official appointed by the Mayor and the City Council to administer the Subdivision and Development 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 affected 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.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Common Land: That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

Comprehensive Plan: The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City'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 City or other appropriate government entity without compensation.

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, Net: The total number of dwelling units divided by the net acreage. See definition of Area, Net.

Design: The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code.

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 City Clerk and has paid the necessary fees for review by the Plan Commission.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways.

Frontage: The lineal extent of the front (streetside) of a lot.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."

Hillside Area: An area with an average slope of **twenty percent (20%)** or more.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in Article V of the Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Plan Commission and the City Council.

Improvement Plans: The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans must include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

Inlet: A receptacle located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic, and for access to abutting property, and on which the speed limit is low and the traffic volume minimal.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between **two (2) corner lots.**

Lot, Corner: A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Maintenance Bond: A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the one-year period following their dedication.

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area, which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Official Map: A graphic statement of the existing and proposed capital improvements planned by the City 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 City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Person: Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

Plan Commission: The Plan Commission of the City.

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 City and satisfies the requirements contained herein.

Plans: All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the City 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 City or other appropriate government entity for public purposes.

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision: See Subdivision.

Retention Area: An area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies **(See Section 5-16.4).**

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

Setback Line: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

Soil and Water Conservation District: The County Soil and Water Conservation District.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only **one (1) end** open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end and are not permitted in any proposed subdivision.

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground or is attached to something having a fixed location on or in the ground. All buildings are structures, but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

Topography: The relief features or surface configuration of an area of land.

Travel way: 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 City.

ARTICLE III - PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

34-3-1 GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Plan Commission and/or the City Planner 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 City Clerk's office, who, in turn, will forward the same to the Plan Commission for their review. Following its review (as well as comments from other appropriate agencies when required), the Plan Commission forwards its recommendation(s) to the City Council, 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 City 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**.

(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)**.

34-3-4 PLAN COMMISSION ACTION. The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approved the preliminary plat, they shall inform the City Council that action can be taken at the next regularly scheduled City Council meeting.

(A) **Notice of Meeting.** The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

(1) Any person requesting notification of the meeting.

(2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk's office when filing the plat.

(3) Any governmental or taxing body which requests notification of the meeting.

34-3-5 REVIEW BY CITY COUNCIL; TIME CONSTRAINTS. The City Council shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within **thirty (30) days** after its next regularly scheduled meeting following receipt of the written Plan Commission recommendations, unless variances from Zoning Code requirements are needed, in which case, the City Council's **thirty (30) days** commence the day after the Council of Appeals hearing is held, as required by the Zoning Code.

If the City Council 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 City Clerk shall attach a certified copy of the Council'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 City Council 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 City Council, 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 City Engineer and approved by the City Council, 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 City 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 City 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 City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **six (6) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Clerk, pay all associated filing fees before review by the City Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City 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 City Council shall not act upon the application for final plat approval.

34-3-9 INFORMATION REQUIRED. Improvements plans shall consist of black or blue line prints not larger than **thirty-six (36) inches square**. These plans and the related specifications shall provide all of the following information:

(A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;

(B) existing and proposed elevations along the centerline of all streets;

(C) radii of all curves and lengths of tangents on all streets;

(D) locations and typical cross-section of street pavements including curbs/ gutters, catch basins, and inlets;

(E) locations and typical cross-section of sidewalks and driveway aprons;

(F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;

(G) locations and sizes of all water, gas, electric, and other utilities;

(H) locations of street lighting standards and street signs;

(I) one or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;

(J) all proposed measures to control erosion and sedimentation;

(K) high water elevations of all lakes/streams adjoining or within the tract;

(L) such other information as the City Engineer may reasonably require to perform his duties under this section; and

(M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.

34-3-10 INSPECTIONS REQUIRED. The subdivider/developer shall notify the Administrator and the Building Commissioner of both the start and completion of construction.

(A) The Building Commissioner 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 Building Commissioner and City Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Building Commissioner and Engineer have 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 City map(s); street, sewer, water, stormwater;

(C) If the Administrator 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 City Council 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 improvements plan have been completed by the subdivider/developer at his expense, inspected by the Building Commissioner and Engineer, and dedicated to this municipality or other appropriate entity; or

(B) in accordance with the subsections below, the subdivider/developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

34-3-14 FORMS OF ASSURANCE. At the option of the City Council, the required legal assurance may be either a performance bond or an escrow deposit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk. Any funds to be held in escrow shall be deposited with the City Clerk.

34-3-15 AMOUNT OF BOND OR DEPOSIT. The amount of the performance bond or escrow deposit shall be equal to the City Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Any escrow deposit may be in the form of:

(A) cash;

(B) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand; or

(C) certificates of deposit, treasury bills, or other readily negotiable instruments approved by the City Clerk, and made payable to this municipality.

34-3-16 ELIGIBLE SURETIES. No person shall be eligible to act as surety unless he has been approved by the City Clerk. The Clerk shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this municipality's jurisdiction.

34-3-17 TERM OF ASSURANCE, EXTENSION. The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Plan Commission, with the advice and consent of the City Council, may either extend said bond/escrow agreement for **one (1) year** only, or may proceed as per **Section 34-3-19**.

34-3-18 RELEASE OF BOND/ESCROW DEPOSIT.

(A) The City Clerk may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Building Commissioner. The amount which the Building Commissioner 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 City Clerk until:

(1) the Building Commissioner has certified to the Administrator in writing that all required improvements have been satisfactorily completed; and

(2) said improvements have been accepted by and dedicated to this City 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 City 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 City Clerk to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or

(C) require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

34-3-20 - 34-3-21 RESERVED.

DIVISION IV - FINAL PLATS

34-3-22 CITY COUNCIL APPROVAL. The City Council 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 subsections below.

34-3-23 FILING, TIME LIMITS. The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended **(765 ILCS 205/1(b))** -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the City 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 City Council, 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 City is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the City Council 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 City Council has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the City 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 land surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet** equals **one (1) inch**, provided that the resultant drawing shall not exceed **thirty-six (36) inches square**. The final plat and supporting data shall portray/provide all of the following information:

(A) north arrow, graphic scale, and date;

(B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;

(C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;

(D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot** in **ten thousand (10,000) feet**;

(E) all dimensions shall be shown in feet and decimals of a foot;

(F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;

(G) accurate locations of all existing streets intersecting the boundaries of the subdivision;

(H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;

(I) name and right-of-way width of every proposed street;

(J) purpose of any existing or proposed easement(s);

(K) number of each lot, lot dimensions, and (in a separate list) lot areas;

(L) purpose(s) for which sites, other than private lots, are reserved;

(M) building or setback lines with accurate dimensions;

(N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;

(O) certification of dedication of all public areas;

(P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;

(Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;

(R) location, type, material and size of all monuments and lot markers.

34-3-25 CERTIFICATES REQUIRED. As required by State law **(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 _____, 19__.

_____ (Seal)

_____ (Seal)

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of Effingham)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____(owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____ , 19__.

_____
Notary Public

(C)

SURVEYOR'S CERTIFICATE

I, _____, an Illinois Registered Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____for the purpose of subdividing the tract into lots as shown.

_____
Land Surveyor

_____
Illinois Registration Number

_____
Date

(D)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of Effingham County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

_____
County Clerk

_____
Date

(E)

CERTIFICATE OF CITY COUNCIL

I, _____, Mayor of the City, do hereby certify that the plat shown herein was duly presented to the City Council and approved at a meeting of same held on __(date)__.

_____
Mayor

_____
City Clerk

(F)

FLOOD HAZARD CERTIFICATE

We, the undersigned, do hereby certify that no part of this plat to be recorded, is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more, or, if this plat is within **five hundred (500) feet** of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the County Recorder of Deeds.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

_____
Registration Number

_____
Date

34-3-26 ADMINISTRATIVE REVIEW, ADVISORY REPORT. Within **thirty (30) days** from the date of application for Final Plat approval, the Building Commissioner and the Administrator shall review said Final Plat (and supporting data) and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to said report (should they so desire), and forward same to the City Council.

34-3-27 ACTION BY CITY COUNCIL. The City Council 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 Council and the subdivider mutually agree to extend this time limit. The City Council 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, Zoning Code, and the Official Map; and

(C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and

(D) either of the following has been met:

(1) all required improvements have been completed, inspected, accepted, and dedicated; or

(2) the subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.

If the City Council disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The City Clerk shall attach a certified copy of the Council'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.

34-3-28 CHANGES IN APPROVED FINAL PLATS. Once a Final Plat is approved by the City Council, 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.

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 City or other appropriate entity.

34-3-36 MAINTENANCE BOND. Prior to dedication, the subdivider/developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount determined by the Building Commissioner to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **one (1) year** from the date of their acceptance and dedication. If at any time during the one-year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Building Commissioner, the City shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the one-year period, the maintenance bond shall be released.

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 City 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 Council in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the 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 Enforcement Officer, referred to herein as the Administrator, is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

(A) to review and forward preliminary plats to the Plan **Commission (See Art. III; Div. I);**

(B) to transmit improvements plans to the City Engineer for his review **(See Art. III; Div. II);**

(C) to review and forward final plats to the City Council **(See Sec. 34-3-23);**

(D) to issue stop orders as necessary when the Building Commissioner or City Engineer determines that approved improvements are being constructed in violation of this Code **(See Sec. 34-3-10);**

(E) to pursue actions authorized at **Section 34-3-19** when a developer fails to complete required improvements;

(F) to evaluate and pass upon proposed changes in approved final plats **(See Sec. 34-3-28);**

(G) to review and forward applications for subdivision variances to the Plan Commission **(See Sec. 34-4-2);**

(H) to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements **(See Sec. 34-3-11),** final plats, variances, and amendments; and

(I) to provide information to subdividers/developers and to the general public on matters related to this Code.

34-4-2 SUBDIVISION VARIANCES. Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application 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 Plan Commission.

34-4-3 REVIEW BY PLAN COMMISSION. The Plan Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the City Council together with their recommendation on preliminary plat approval **(See Section 34-3-2).** The Plan Commission's advisory report shall be responsive to all the variances standards set forth in **Section 34-4-4**.

34-4-4 ACTION BY CITY COUNCIL, VARIANCE STANDARDS. At the same meeting at which they take action on the application for preliminary plat approval **(See Section 34-3-3),** the City Council 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 City Council 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 Section 34-1-1);** and

(B) strict application of the subdivision requirements **(See Article V)** would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

(C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and

(D) the plight of the applicant is due to peculiar circumstances not of his own making; and

(E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and

(F) the variance, if granted, will not materially frustrate implementation of the municipal comprehensive plan including the Official Map.

34-4-5 AMENDMENTS. Amendments to this Code may be proposed by the Administrator, any member of the City Council, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Plan Commission for a public hearing.

(A) **Public Hearing, Notice.** The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30) days** 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 City Council.** Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-4-6 SCHEDULE OF FEES.

(A) The review for the preliminary plat shall be **Fifty Dollars ($50.00),** plus **Five Dollars ($5.00)** per lot.

(B) The final plat fee shall be **Fifty Dollars ($50.00)** is no variation from the preliminary plat, otherwise **Fifty Dollars ($50.00),** plus **Five Dollars ($5.00)** per lot whenever Plan Commission review is required.

(C) Improvement Plan review and inspection fee shall be **one percent (1%)** of the total opinion of probable cost for all improvements as determined by the City Engineer or by the total of all certified contracts for all work related to improvements.

34-4-7 FEES: TIME OF PAYMENT. All fees listed in **Section 34-4-6** shall be paid by the subdivider/developer or the applicant to the City Clerk's office at the time of submission of documents.

ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

34-5-1 APPLICABILITY OF ARTICLE. No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. **(See 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 City Council 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 Building Commissioner shall not issue a building permit for any lot conveyed in violation of this section.

34-5-2 SUITABILITY FOR DEVELOPMENT GENERALLY. Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

34-5-3 RESERVED.

DIVISION II - LOT REQUIREMENTS

34-5-4 CONFORMITY WITH ZONING. All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

34-5-5 ACCESS AND RELATIONSHIP TO STREET. Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

34-5-6 REFERENCE MONUMENTS. Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. **(765 ILCS 205/1.)** All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than **twenty-four (24) 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 Plan Commission may recommend to the City Council 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 City'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.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of **fifty (50) feet** and a minimum pavement radius of **forty-two (42)** feet, shall be provided at the end of every permanent dead-end street.

34-5-13 INTERSECTIONS.

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

(D) **Curb Radii.** To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be **twenty (20) feet**, and the minimum radius at the back of the curb shall be **thirty-two (32) feet.**

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%).**

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

34-5-14 REVERSE CURVES. A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local collector and collector streets **(see Figure 2).**

34-5-15 IMPROVEMENTS TO EXISTING STREETS. Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-5-21** et seq. and pay one-half the cost of said improvements.

34-5-16 WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

(A) due to topography, additional width is necessary to provide adequate earth slopes; or

(B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

34-5-17 - 34-5-19 RESERVED.

DIVISION IV - STREET IMPROVEMENT STANDARDS

34-5-20 DEVELOPER'S EXPENSE. All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. All streets shall be graded as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to **IDOT Roads and Bridges Standard Specifications** as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) **Grading Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) **Street Construction Standards.** All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete gutter, in accordance with the following criteria.

(1) Collector street pavements shall be provided with a bituminous surface of **one and one-half (1 1/2) inches** of bituminous concrete binder and **one and one-half (1 1/2) inches** of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of **six (6) inches** compacted. The center **forty (40) feet** of the base course shall have a crown of **three (3) inches**.

(2) Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of **seven (7) inches** compacted. An A-3 surface treatment shall be applied in accordance with the **"Standard Specifications for Road and Bridge Construction of the State of Illinois, Department of Transportation".**

(3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and subbase as to compaction and thickness of the base by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction based on percent of optimum density.

(4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained.

(D) **Alleys.** Alleys where permitted or required, shall be constructed as specified for local streets.

(E) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

34-5-21 CURB AND GUTTER. All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete 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 MAINTENANCE RESPONSIBILITY. Subsequent to completion of street construction by the subdivider, the City 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 City shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) will be accepted in a subdivision until all streets comply with the City's requirements to the satisfaction of the City Engineer. In addition, the developer will be required to provide a guarantee in the form of a Surety Bond in the amount of **Ten Thousand Dollars ($10,000.00)** for a period of **three (3) years**.

34-5-23 - 34-5-24 RESERVED.

DIVISION V - BLOCKS

34-5-25 BLOCK WIDTH. Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth 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 four hundred (1,400) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

34-5-27 CROSSWALKS. Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

34-5-28 RESERVED.

DIVISION VI - SIDEWALKS

34-5-29 REQUIRED. Sidewalks shall be required:

(A) on the recommendation of the Plan Commission that, sidewalks are needed to ensure public safety;

(B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Plan Commission advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet IDOT Roads and Bridges Standard Specifications.

34-5-30 SIDEWALK CONSTRUCTION STANDARDS.

(A) **Relationship to Curb.** The street-side edge of every sidewalk shall either abut the curb or be located at least **six (6) feet** from the curb to allow sufficient space for tree planting.

(B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.

(C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.

(D) **Grade.** No sidewalk shall be constructed at a grade steeper than **six percent (6%).**

(E) **Ramps at Intersections.** When sidewalks are required, curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

34-5-31 RESERVED.

DIVISION VII - STREETLIGHTS

34-5-32 INTERSECTION LIGHTING. Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

34-5-33 STREETLIGHT SYSTEM STANDARDS. The design and installation of the streetlight system in every subdivision shall be reviewed by the Building Commissioner and the appropriate electric utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a **175 watt lamp** or **6800 mercury luminary lamp.** Each streetlight standard (post) shall be at least **sixteen (16) feet** high.

34-5-34 RESERVED.

DIVISION VIII - STREET NAME SIGNS

34-5-35 SPECIFICATIONS. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The City 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. **(See Chapter 33 - Streets)**

34-5-36 RESERVED.

DIVISION IX - UTILITIES

34-5-37 UTILITY LOCATION AND EASEMENTS REQUIRED. At locations within the subdivision where utilities and drainage facilities are not to be constructed within public rights-of-way, the subdivider shall make provision for easements for such installations. Preliminary plats shall be submitted to the electric, gas, and telephone companies for their input regarding utility easements.

34-5-38 UTILITY EASEMENTS. Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **twenty (20) 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. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

34-5-39 DRAINAGE EASEMENTS. Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the City Engineer.

34-5-40 MAINTENANCE EASEMENTS. Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

34-5-41 RESERVED.

DIVISION X - WATER FACILITIES

34-5-42 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. 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.

34-5-43 FIRE HYDRANTS. Fire hydrants of the type approved by the Water and Sewer Superintendent shall be installed in every subdivision as part of the water distribution system. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than **four hundred (400) feet**.

34-5-44 RESERVED.

DIVISION XI - SANITARY SEWERS

34-5-45 COMPLIANCE WITH REGULATIONS. All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency and shall be approved by the City Council. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 4th Edition, or as amended.

34-5-46 WHEN PUBLIC SYSTEM PLANNED. In areas where the public sanitary sewerage system is not reasonably accessible but where plans for the installation of said system have been approved by the Illinois Environmental Protection Agency, sanitary sewers shall be provided in accordance with such plans and temporarily capped. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed, or individual sewage disposal systems may be used.

34-5-47 - 34-5-48 RESERVED.

DIVISION XII - DRAINAGE AND STORM SEWERS

34-5-49 PURPOSE AND INTENT. It is the policy of the City to protect and promote the public health, safety and general welfare. The criteria for storm water detention will reduce the possibility of damage to public and private property, will reduce the erosion on land and creek channels, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the City. This criteria provides uniform procedures for designing and checking the design of storm drainage detention systems.

The Plan Commission shall not recommend the approval of any plat unless, after consultation with the City Engineer, they determine that the proposed provisions for storm water drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system.

34-5-50 SPECIAL DEFINITIONS.

(A) **Development.** Any activity, including subdivisions, that alters the surface of the land to create additional impervious surfaces including, but not limited to, pavement, buildings, and structures except:

(1) Additions to improvements and repair of existing single-family and duplex dwellings.

(2) Construction of any buildings, structures, and/or appurtenant service roads, drives, and walks on a site having previously provided storm water control as part of a larger unit of development consistent with the original development plan.

(3) Remodeling, repair, replacement, and improvements to any existing structure or facility and appurtenances that does not increase the impervious area on the site in excess of **ten percent (10%)** or add one acre of impervious area.

(4) Construction of any one new single-family or duplex dwelling unit, irrespective of the site area on which the same may be situated.

(B) **Emergency Spillway.** A device or devices used to discharge water under conditions of inflow that exceed the design inflow. The emergency spillway functions primarily to prevent damage to the detention facility that would permit the sudden release of impounded water. It shall be designed to handle the runoff from a 100-year storm.

(C) **Freeboard.** The difference in elevation between the top of a structure such as a dam or open channel and the maximum design water surface elevation or high-water mark and is an allowance against overtopping by waves or other transient disturbances.

(D) **Principal Spillway.** A device such as an inlet, pipe, weir, etc., to discharge water during operation of the facility under the conditions of a **fifteen (15) year** or less return frequency of the existing conditions, before the proposed development.

(E) **Private Detention Facility.** Any detention facility located on and controlling discharge from a site wholly owned and controlled by one owner and not platted for future subdivision of ownership. Also, all facilities incorporating detention storage of storm water in or on any of the following:

(1) Roofs of buildings or structures also used for other purposes.

(2) Paved or surfaced areas also used for other purposes.

(3) Enclosed underground pipes or structures on private property when the surface is used for other purposes.

(F) **Public Detention Facility.** Any detention facility controlling discharge from a tributary area owned by more than one owner and/or platted for future subdivision of ownership, except as defined as a private detention facility herein.

(G) **Rational Method.** An empirical formula for calculating peak rates of runoff resulting from rainfall.

(H) Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control Manual, March 1982 (IPSUSESCM).

(l) **Tributary Area.** All land draining to the point of consideration, regardless of ownership.

34-5-51 RESERVED.

DIVISION XIII - GENERAL GUIDELINES

34-5-52 APPLICABILITY. This Code shall apply to all development within the limits of the City. Residential developments having a total area of less than **five (5) acres**, and commercial or industrial developments having a total area of less than **two (2) acres**, may be given a waiver by the City in accordance with **Section 34-4-4** of this Code, subject to the following conditions.

(A) The City retains the right to require detention storage in all cases in which the proposed development will generate excess runoff that adversely affects the carrying capacity of the receiving watercourse.

(B) Developments less than **two (2) acres** with less than **thirty percent (30%)** of the area paved and developments generating less than one cubic foot per second (CFS)/acre increased runoff shall not be required to provide detention storage, unless conditions (A) is applicable.

(C) This Code shall apply for all newly platted areas and new developments proposed after the date of passage of this Code. All development that have an approved preliminary plan by the Plan Commission at the time of the approval of this Code will not have to conform to this Code.

34-5-53 AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST. The effective acreage for a site is not limited to a fractional part of the total. If a project is developed in phases or small plats, the total acreage of the project site must be considered. At the time the owner of any development submits a preliminary plat or preliminary plan, he shall also identify to the City all contiguous property or property in the watershed that he has interest in.

34-5-54 METHOD OF EVALUATION. The storage capacity and discharge rate shall be based upon the calculated volume and peak flow of the storm water runoff, respectively. The calculations for sites having an area of **one hundred (100) acres** or less shall be made using either the Illinois Manual for Soil Erosion and Sedimentation Control Method or the Rational Method. If the site is larger than **one hundred (100) acres** then the Engineer shall use the Illinois Manual for Soil Erosion and Sedimentation Control Method or if another method is desired to be used, the Engineer shall submit a proposed method of evaluation for the calculations for review and approval. The permitted discharge rate of storm water runoff shall be determined by calculating the rate of runoff for the site's pre- and post-development conditions. The Engineer shall determine the most critical storm looking at three different time periods: 1) the time of concentration, 2) a one hour storm and 3) a 24-hour storm.

34-5-55 DETENTION OF DIFFERENTIAL RUNOFF. All new developments shall provide a storm water system that insures that the rate of flow of storm water runoff discharged from the site after development does not exceed the rate of flow of storm water runoff discharged from the site before development of a 25-year storm, unless given a waiver by the City in accordance with **Section 34-4-4** of this Code. Data shall be submitted for the 15-, 25-, and 100-year frequency storm.

34-5-56 FLOWS FROM UPSTREAM AREAS. Flows from upstream areas outside the site should be based upon the assumption that those areas are fully developed under forecast land use patterns. The required storage volume will be based upon the site only, with flows from upstream areas being by-passed or discharged via overflow spillways or other devices for the 100-year storm.

34-5-57 FACILITIES IN FLOODPLAINS. If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the base flood at that location unless compensatory storage is also provided. Where encroachments in the existing floodplain fill the valley storage areas, an equal amount of detention volume shall be provided.

34-5-58 LAND CREDIT FOR DETENTION FACILITIES. The number of units/lots shall be based on the total area of the tract to be developed. All areas to be used as detention facilities shall be included in this total area.

34-5-59 RESERVED.

DIVISION XIV - DESIGN CRITERIA

34-5-60 GENERAL REQUIREMENTS. The design shall be accomplished under the direction of a Registered Professional Engineer. The design shall also be based on land use in the tributary area as zoned, actually developed, or indicated by an adopted future land use plan, whichever basis produces the greatest runoff.

34-5-61 OTHER REFERENCES. Other agencies have criteria and regulations pertaining to drainage systems which may complement this criteria. When conflicts are encountered the most rigorous criteria shall govern.

(A) **Federal Insurance Agency**. Floodplain Regulations and Implementing Ordinances Adopted by Municipalities: Drainage systems designed within the limits of the designated 100-year floodplain on the principal stream shall be designed to convey the flood as defined by applicable published floodplain information studies. For areas located in FIA Zone "A" outside the detailed study area, the developer shall prepare studies and calculations establishing the floodplain, elevation and width. These calculations shall be submitted to the reviewing agency for approval.

(B) **Illinois Department of Water Resources.** Rules and Regulations of Dams and Reservoirs shall apply to those structures classified as dams thereunder.

34-5-62 STORM WATER RUNOFF. The design criteria used in determining the amount of runoff shall be the same as set out in **Section 34-5-49** of this Code.

34-5-63 HYDRAULIC CONSIDERATIONS FOR DETENTION STORAGE.

(A) **Principal Spillways.** Shall be designed to meet the following requirements:

(1) The principal spillway shall be designed to function without requiring attendance or operation of any kind or requiring use of equipment or tools.

(2) All discharge from the detention facility when inflow is equal to or less than the 100-year inflow shall be via the principal spillway(s).

(3) The design shall allow for discharge of at least **eighty percent (80%)** of the detention storage volume within **twenty-four (24) hours** after the peak or center of mass of the inflow has entered the detention basin. On basins less than **one hundred (100) acres**, this shall not apply.

(4) The design discharge rate via the spillway shall continuously increase with increasing head and shall have hydraulic characteristics similar to weirs, orifices or pipes.

(B) **Emergency Spillways.** The emergency spillway shall be provided to pass a 100-year storm without damaging any property and, where applicable, designed to Illinois Department of Water Resources Dam Safety Requirements.

(C) **Outlet Works.** Shall have an outlet works consisting of valves, gates, pipes, and other devices as necessary to completely drain the facility in **seventy-two (72) hours** or less when required for maintenance or inspection on normally wet basins.

(D) **Sediment Storage.** Shall be designed to provide for **five (5) years** of sediment accumulation calculated by using Figure 1. All other detention facilities shall provide storage for **two (2) years** of sediment accumulation by using Figure 1, except for those using roofs of buildings, paved parking areas or other facilities designed to preclude the deposition or accumulation of sediment. Sediment storage volume shall be in addition to the volume required for temporary storage of storm water to properly size the detention facility on normally wet basins.

(E) **Erosion Control.** Principal spillways and outlet works shall be designed to prevent erosion and if necessary equipped with energy dissipating devices to slow the water to normal velocity as called out in the IPSUSESC Manual. Special measures shall be taken by the developer to not permit sediment from filling the proposed detention basin during all construction of the proposed development.

(F) **Public Detention Facilities.** The owner shall dedicate the detention facility and easements as set forth upon completion of the one-year warranty period and approval by the City Engineer, except:

(1) When multipurpose wet facilities are planned or are suitable for use for private aquatic recreation or for aesthetic enhancement of the owner's property.

(2) When multipurpose dry facilities incorporate surface recreational improvements.

(G) **Private Detention Facilities.** Shall be designed requiring the same criteria as the public detention facilities.

The amount of easement shall be equal to the land occupied by the facility plus a **twenty (20) foot** wide strip around the perimeter of the highest elevation attained by the design storage volume, plus an excess easement **twenty (20) feet** in width between the facility and public street. This easement shall be shown as common ground or be dedicated to the trustees of the subdivision or owner of the property for the purpose of maintenance of the storm water detention facility.

A plan for perpetual maintenance and designating responsibility for the maintenance shall be provided for its continuing performance to the standards established by this criteria.

34-5-64 RESERVED.

DIVISION XV - PLAN REQUIREMENTS

34-5-65 PLAN REQUIREMENTS. The plan requirements shall be:

(A) Elevation-area-capacity curves for the storage facility including notation of the storage volumes allocated to runoff, and permanent residual water storage for other uses (wet basins only).

(B) Inflow hydrographs (detention volumes for rational method) for the 15-, 25-, and 100-year recurrence interval design storms.

(C) Stage-discharge rating curves for each spillway and for combined spillway discharges.

(D) Routing curves for the 15-year and all greater criteria recurrence interval design storms with time plotted as the abscissa and the following plotted as ordinates (this item is not required for the rational method):

(1) Cumulative inflow volume.
(2) Cumulative discharge.
(3) Stage elevation.

34-5-66 CONSTRUCTION ALTERNATIVES.

(A) A developer shall build, as part of his development, a detention basin as required by this Code, unless the following sections apply.

(B) Developers of adjacent tracts may combine to build one detention site large enough to meet the requirements of all the tracts of land with approval of the City. The basin shall be located in the same drainage basin.

(C) On-site detention will be required whenever increased runoff from the proposed development creates a hazard downstream as determined by the City Engineer.

34-5-67 RESERVED.

DIVISION XVI - INSPECTION, MAINTENANCE AND ACCEPTANCE BY CITY

34-5-68 INSPECTION. The developer shall inspect or cause to be inspected, all storm water detention systems constructed within the City. Through such inspection reports the City Engineer shall ensure that the facilities under construction are being constructed in accordance with the approved plans for such development.

34-5-69 MAINTENANCE. Each owner of the property being developed has the responsibility and duty to properly operate and maintain any storm water management system which has not been accepted for maintenance by the City. The responsibility of maintenance of the system and subdivision projects shall remain with the developer until such time as the storm water management system escrow for such development has been released at the end of the one-year warranty period. Upon release of escrow, the maintenance responsibility shall be vested in the trustees of the subdivision by virtue of a trust indenture. Indenture of trusts shall clearly indicate resident responsibility for maintenance. All such privately owned maintained systems shall be subject to periodic inspections by the City Engineer or its representative. After an inspection by the City Engineer, he determines whether or not the conditions of the privately owned storm water detention system are safe and correct. Any cost incurred by the City, as a result of the City Engineer's actions, shall be attest against the owner(s) of the system.

34-5-70 ACCEPTANCE. Upon acceptance by the City Council, the storm water detention system may be dedicated to the City for perpetual maintenance. Any such system shall include adequate perpetual access and sufficient area for maintenance by the City personnel and vehicles.

34-5-71 RESERVED.

DIVISION XVII - PENALTIES FOR VIOLATION

34-5-72 GENERAL. Violation of the provisions of this Code or failure to comply with any of its requirements, including conditions and safeguards established shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.

34-5-73 CORRECTIVE ACTIONS. Nothing herein contained shall prevent the City from taking such other lawful actions as is necessary to forbid or remedy any violations. All such costs connected therewith shall accrue to the person or persons responsible.

34-5-74 PENALTY. Any person who violates this Code shall be subject to the penalty in **Section 1-1-20** in the Revised Code.

CHAPTER 35 – TREE CODE

ARTICLE			TITLE	PAGE
I	GENERALLY			
	Section 35-1-1	-	Title	35-1
	Section 35-1-2	-	Definitions	35-1
	Section 35-1-3	-	Purpose and Intent	35-1
	Section 35-1-4	-	Establishment of a City Tree Board	35-1
	Section 35-1-5	-	Compensation, Duties and Responsibilities	35-1
	Section 35-1-6	-	Acceptable Street Tree Species	35-1
	Section 35-1-7	-	Planting, Spacing, and Restrictions	35-2
	Section 35-1-8	-	Prohibited Trees	35-3
	Section 35-1-9	-	Public Tree Care	35-3
	Section 35-1-10	-	Planting Regulations	35-3
	Section 35-1-11	-	Injury to Street Trees	35-3
	Section 35-1-12	-	Tree Topping and Dehorning	35-4
	Section 35-1-13	-	Removal of Stumps	35-4
	Section 35-1-14	-	Pruning, Corner Clearance, and Obstruction	35-4
	Section 35-1-15	-	Violation and Penalty	35-4
	Section 35-1-16	-	Pruning Standards	35-4
	Section 35-1-17	-	Arborists License and Bond	35-4
	Section 35-1-18	-	City Council Review	35-4

CHAPTER 35

TREE CODE

ARTICLE I – GENERALLY

35-1-1 TITLE. This Chapter shall be known and may be cited as the Tree Code of the City of Altamont.

35-1-2 DEFINITIONS.

(A) **"Street Tree"** shall be defined as trees, shrubs, bushes and all other woods vegetation on land lying between property lines on either side of the streets, avenues, or roads within the City.

(B) **"City Personnel"** shall be any employee, agent, or contractor designated by the City Council to conduct specified tasks.

35-1-3 PURPOSE AND INTENT.

(A) **Purpose.** The purpose of this Chapter is to regulate the planting, maintenance, and removal of all street trees and shrubs in order to protect and promote the health, safety, and welfare of the citizens of Altamont.

(B) **Intent.** It is the intent of the City Council to encourage:

(1) the planting of desirable tree species.

(2) protection and restoration of the desirable tree species.

(3) the protection of City residents from personal injury and property damage resulting from improper planting, maintenance, or removal of any street trees.

35-1-4 ESTABLISHMENT OF A CITY TREE BOARD. There is hereby created and established a City Tree Board for the City. The City Tree Board shall consist of **three (3)** to **five (5) members**. With the establishment of the first Board, **one (1) member** shall serve for **two (2) years,** and the remaining members shall serve for **three (3) years**. The Mayor shall appoint all of the Tree Board members. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

35-1-5 COMPENSATION, DUTIES AND RESPONSIBILITIES.

(A) Members of the City Tree Board shall serve without compensation.

(B) It shall be the duty of the City Tree Board to meet a minimum of **two (2) times** annually. The City Tree Board shall be responsible for the review of the current forest management practices and make improvements and necessary changes in the planting, maintenance, and removal and disposal practices being conducted on street trees.

(C) It shall be the responsibility of the City Tree Board to:

(1) Review and/or issue permits required by this Chapter.

(2) Establish policies necessary in maintaining an effective plan for the care and preservation of all street trees.

(3) Choose its own officers and establish its own rules and regulations for conducting the business at hand.

35-1-6 ACCEPTABLE STREET TREE SPECIES. The following list constitutes the official Street Tree Species for Altamont, Illinois. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Large Trees (height over 50')

Shingle Oak	Quercus imbricaria
English Oak	Quercus robur
Pin Oak	Quercus palustris
Kentucky Coffee Tree (male only)	Gymnocladus dioicus
Ginkgo (male only)	Ginkgo biloba
Sweet Gum	Liquidambar straciflua
American Beech	Fagus grandifolia
Hackberry	Celtis occidentalis
Thornless Honeylocust	Gleditsia triacanthas inermis
London Plane Tree	Platanus acerifolia
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum

Medium Trees (height 30-40')

Crimean Linden	Tilia euchlora
Littleleaf Linden	Tilia cordata
Hop Hornbeam	Ostrya virginiana
Amur Cork Tree	Phellodendron amurense
Black Gum	Nyssa sylvatica
Osage Orange (male only)	Maclura pomifera
Norway Maple	Acer platanoides

(Ord. No. 554-14; 03-24-14)

Small Trees (height less than 30')

Bradford Pear	Pyrus calleryana "Bradford"
Purpleleaf Plum	Prunus cerasifera
*Flowering Crab	Malvs Sp.
Goldenrain Tree	Koelreuteria paniculata
Amur Maple	Acer ginnala
Washington Hawthorn	Crataegus phaenopyrum

*Selected cultivars or varieties resistant to scab and rust diseases.

35-1-7 PLANTING, SPACING, AND RESTRICTIONS. The spacing of Street Trees will be in accordance with the **three (3) species** size classes listed in **Section 35-1-6** of this Chapter, and no trees may be planted closer together than the following:

Small trees	30 feet
Medium trees	40 feet
Large trees	50 feet

Street Trees, in accordance with the **three (3) species** size classes listed in **Section 35-1-6** of this Code, shall not be planted closer to any curb or sidewalk than the following:

Small trees	2 feet
Medium trees	3 feet
Large trees	4 feet

No Street Tree shall be planted within **thirty-five (35) feet** of any street corner. No Street Trees shall be planted within **ten (10) feet** of any fire plug.

35-1-8 PROHIBITED TREES. The following undesirable tree species or their varieties shall not be planted on any City owned property as a Street Tree, except in special circumstances where because of characteristics of adaptability or landscape effect, they can be used to public advantage.

Common Name	Botanical Name
Silver Maple	Acer saccharinum
Catalpa	Catalpa speciosa
Chinese Elm	Ulmus chinensis
Cottonwood	Populus deltoides
Tree of Heaven	Ailanthus altissima
Willow	Salix sp.
Spruce	Picea sp.
Pines	Pinus sp.
Junipers	Juniperus sp.
Boxelder	Acer negundo
Mulberry	Morus Valba
Paper Birch	Betula papyrifera
Marshall Seedless Ash	Fraxinus pennsylvanica "Marshall seedless"

(Ord. No. 554-14; 03-24-14)

35-1-9 PUBLIC TREE CARE. The City shall have the right to plant, prune, maintain, and remove all trees and plants designated within the City limits on City owned property.

The City and any of its agents may remove any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, gas lines, water lines, electric power lines, or other public improvements. The City or its agents may also cause any tree or part of a tree that is affected by any injurious fungus, insect, or disease pest.

35-1-10 PLANTING REGULATIONS.

(A) **Tree Size.** Trees when planted shall have a minimum size in accordance with the **three (3) species** size classes listed in **Section 35-1-6**.

(1) **Small Trees** shall have a trunk diameter of **one to one and one-half (1-1 1/2) inches** (measured at ground level) or a minimum height of **four (4) feet**.

(2) **Medium Trees** shall have a minimum trunk diameter of **one and one-half (1 1/2) inches** or a minimum height of **six (6) feet**.

(3) **Large Trees** shall have a trunk diameter of **two (2) inches** or a minimum height of **six (6) feet**.

(B) Trees when planted shall be free of infectious disease or insect infestation.

(C) Trees shall be planted on the centerline of the parkways or in line with the existing row of trees.

(D) No tree shall be placed so as to cause a traffic hazard.

(E) All trees from **one and one-half (1 1/2) inches** in diameter or over **six (6) feet** tall at the time of planting must be protected and supported by tree guards (stakes). **Two (2) stakes** set at least **eight (8)** to **twelve (12) inches** away from the trunk of the tree. The tree guards should be maintained for a minimum of **two (2) years**.

35-1-11 INJURY TO STREET TREES. No person shall, without a written permit from the City Tree Maintenance Supervisor, in the case of a Street Tree do, or cause to be done by others, any of the following acts:

(A) Secure, fasten, or run any rope, wire, sign, unprotected electrical installation, or other device or material to, around, or through a tree or shrub.

(B) Break, injure, mutilate, deface, kill, or destroy or permit any fire to burn where it will injure any Street Tree.

(C) Permit any toxic chemical, gas smoke, salt, brine, oil, or other injurious substance to seep, drain, or be emptied upon or about any Street Tree.

(D) Erect, alter, repair, or raze any building or structure without placing suitable guard around all nearby public trees or shrubs which may be injured by such operations.

(E) Remove any guard, stake, or other device or material intended for the protection of a public tree.

35-1-12 TREE TOPPING AND DEHORNING. Tree Topping shall not be performed by City employees or contracted agents. All tree care and tree planting shall conform to the International Society of Arboriculture tree pruning standards, Tree Care Industry ANSI Safety standards and the American Nursery Association tree planting standards. **(Ord. No. 571-15; 06-22-15)**

35-1-13 REMOVAL OF STUMPS. All stumps resulting from Street Tree removal shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. If possible, all tree stumps shall be removed no later than **thirty (30) days** following the removal of any Street Tree.

35-1-14 PRUNING, CORNER CLEARANCE, AND OBSTRUCTION. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the view of any street intersection or obstruct the light from any streetlamp, and so that there shall be a clear space of **eight (8) feet** above the surface of the street or sidewalk. The City shall have the right to prune any tree on private property when it obstructs the spread of light from street lamps or interferes with the visibility of intersections or traffic control signs or interferes with any overhead electrical lines.

35-1-15 VIOLATION AND PENALTY. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than **Ten Dollars ($10.00)** nor more than **Five Hundred Dollars ($500.00)** for each separate offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

35-1-16 PRUNING STANDARDS. All tree pruning and trimming of any Street Tree conducted by a City employee or contracted agent shall conform to the "Pruning Standards for Shade Trees" adopted by the National Arborist Association.

35-1-17 ARBORISTS LICENSE AND BOND. It shall be unlawful for any person or firm to engage in the business of pruning, treating, or removing Street trees unless they have first applied for and procured a license from the City of Altamont. Before any license shall be issued, each applicant shall file evidence of liability insurance in the minimum amounts of **Fifty Thousand Dollars ($50,000.00)** for bodily injury and **One Hundred Thousand Dollars ($100,000.00)** for property damage.

35-1-18 CITY COUNCIL REVIEW. The Altamont City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

(Ord. No. 191; 10-14-86)

CHAPTER 36 - TAXATION

ARTICLE		TITLE	PAGE
I	GENERALLY		
	Section 36-1-1 -	Corporate Rate	36-1
	Section 36-1-2 -	Police Tax	36-1
	Section 36-1-3 -	Audit Tax	36-1
	Section 36-1-4 -	F.I.C.A. Tax	36-1
	Section 36-1-5 -	General Liability	36-1
	Section 36-1-6 -	Library Tax	36-1
	Section 36-1-7 -	Garbage Tax	36-1
	Section 36-1-8 -	Workmen's Compensation	36-1
	Section 36-1-9 -	Street and Bridge	36-1
II	TAXPAYER'S RIGHTS CODE		
	Section 36-2-1 -	Title	36-2
	Section 36-2-2 -	Scope	36-2
	Section 36-2-3 -	Definitions	36-2
	Section 36-2-4 -	Notices	36-2
	Section 36-2-5 -	Late Payment	36-2
	Section 36-2-6 -	Payment	36-3
	Section 36-2-7 -	Certain Credits and Refunds	36-3
	Section 36-2-8 -	Audit Procedure	36-3
	Section 36-2-9 -	Appeal	36-4
	Section 36-2-10 -	Hearing	36-5
	Section 36-2-11 -	Interest and Penalties	36-5
	Section 36-2-12 -	Abatement	36-5
	Section 36-2-13 -	Installment Contracts	36-5
	Section 36-2-14 -	Statute of Limitations	36-5
	Section 36-2-15 -	Voluntary Disclosure	36-6
	Section 36-2-16 -	Publication of Tax Ordinances	36-6
	Section 36-2-17 -	Internal Review Procedure	36-6
	Section 36-2-18 -	Application	36-6
III	NATURAL GAS TAX		
	Section 36-3-1 -	Tax Imposed	36-7
	Section 36-3-2 -	Exclusions	36-7
	Section 36-3-3 -	No Additional Tax	36-7
	Section 36-3-4 -	Definitions	36-7
	Section 36-3-5 -	Effective Date	36-7
	Section 36-3-6 -	Report by Taxpayer	36-7
	Section 36-3-7 -	Credit for Overpayment	36-8
	Section 36-3-8 -	Recovery Time Limits	36-8
IV	HOTEL AND MOTEL TAX		
	Section 36-4-1 -	Definitions	36-9
	Section 36-4-2 -	Tax	36-9
	Section 36-4-3 -	Records to be Kept	36-9
	Section 36-4-4 -	Returns	36-9
	Section 36-4-5 -	Collection	36-10
	Section 36-4-6 -	Proceeds of Taxes	36-10
	Section 36-4-7 -	Use of Funds	36-10

ARTICLE	TITLE			PAGE
IV	HOTEL AND MOTEL TAX (CONTINUED)			
	Section 36-4-8	-	Certificate of Registration	36-10
	Section 36-4-9	-	Violation	36-10
V	SIMPLIFIED TELECOMMUNICATIONS TAX			
	Section 36-5-1	-	Definitions	36-11
	Section 36-5-2	-	Simplified Municipal Telecommunications Tax Imposed	36-13
	Section 36-5-3	-	Collection of Tax by Retailers	36-14
	Section 36-5-4	-	Returns to Department	36-14
	Section 36-5-5	-	Resellers	36-14
VI	ELECTRIC UTILITY TAX			
	Section 36-6-1	-	Definitions	36-15
	Section 36-6-2	-	Tax Imposed	36-15
	Section 36-6-3	-	Limitation	36-16
	Section 36-6-4	-	Additional Tax	36-16
	Section 36-6-5	-	Collection	36-16
	Section 36-6-6	-	Return	36-17
	Section 36-6-7	-	Credit for Payment Made in Error	36-17
	Section 36-6-8	-	Penalty	36-17
VII	MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX			
	Section 36-7-1	-	Tax Imposed; Rate	36-18
	Section 36-7-2	-	Collection of Tax by Retailers	36-18
	Section 36-7-3	-	Administration	36-18
VIII	MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND MUNICIPAL GROCERY SERVICE OCCUPATION TAX			
	Section 36-8-1	-	Grocery Retailers' Occupation Tax Imposed	36-19
	Section 36-8-2	-	Grocery Service Occupation Tax Imposed	36-19
	Section 36-8-3	-	Illinois Department of Revenue to Administer Both Taxes	36-19
	Section 36-8-4	-	Clerk to File Ordinance with Illinois Department of Revenue	36-19
	Section 36-8-5	-	Effective Date	36-19

CHAPTER 36

TAXATION

ARTICLE I – GENERALLY

36-1-1 CORPORATE RATE. The maximum rate for general corporate purposes of the City be and the same is hereby established at a rate of .25%. (See 65 ILCS 5/8-3-1)

36-1-2 POLICE TAX. The maximum rate for police protection purposes of the City be and the same is hereby established at a rate of .075%. (See 65 ILCS 5/11-1-3)

36-1-3 AUDIT TAX. The City Council may levy a "Municipal Auditing Tax" upon all taxable property in the City which will produce an amount which will equal the cost of all auditing for the City. (See 65 ILCS 5/8-8-8)

36-1-4 F.I.C.A. TAX. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the federal Social Security System. (See 40 ILCS 5/21-101 et seq.)

36-1-5 GENERAL LIABILITY. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to purchase general liability insurance for the City.

36-1-6 LIBRARY TAX. The maximum tax for Library purposes, be and the same is hereby established at a rate of .15%. (See 75 ILCS 5/3-1 and 5/3-4)

36-1-7 GARBAGE TAX. The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of .20%. (See 65 ILCS 5/11-19-4)

36-1-8 WORKMEN'S COMPENSATION. The maximum tax for Worker's Compensation and Occupational Diseases Claims purposes, be and the same is hereby established at a rate to pay for legal services, purchase insurance, purchase claim services, pay for judgments and settlements. (See 745 ILCS 10/9-107)

36-1-9 STREET AND BRIDGE. The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of .06%. (See 65 ILCS 5/11-81-1 and 5/11-81-2)

ARTICLE II - TAXPAYERS' RIGHTS CODE

36-2-1 TITLE. This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

36-2-2 SCOPE. The provisions of this Code shall apply to the City's procedures in connection with all of the City'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 City Council.

(C) **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the City that is collected or administered by the City 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 City other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** "Local Tax Administrator", the City's Mayor, 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) **City.** "City" means the City of Altamont, Illinois.

(F) **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the City's locally imposed and administered taxes.

(G) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the City 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 City.

36-2-4 NOTICES. Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B) Personal service or delivery.

36-2-5 LATE PAYMENT. Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is:

(A) physically received by the City 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 City, with adequate postage prepaid.

36-2-6 PAYMENT. Any payment or remittance received for a tax period shall be applied in the following order:

(A) first to the tax due for the applicable period;

(B) second to the interest due for the applicable period; and

(C) third to the penalty for the applicable period.

36-2-7 CERTAIN CREDITS AND REFUNDS.

(A) The City 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 City 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 City.

(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 City.

(2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

(a) grant the claim; or

(b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **five percent (5%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-2-8 AUDIT PROCEDURE. Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

(A) Each notice of audit shall contain the following information:

(1) the tax;

(2) the time period of the audit; and

(3) a brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English Language and shall be subject to and available for inspection by the City.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the City. 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 City's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

36-2-9 APPEAL.

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

(1) the reason for the assessment;
(2) the amount of the tax liability proposed;
(3) the procedure for appealing the assessment; and
(4) the obligations of the City 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 City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **ten percent (10%)** 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 City 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 City 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 City, 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 City, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

36-2-15 VOLUNTARY DISCLOSURE. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment form the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-2-16 PUBLICATION OF TAX ORDINANCES. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City 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 City'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 City's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(Ord. No. 338-01; 02-12-01)

ARTICLE III – NATURAL GAS TAX

36-3-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of Altamont, and not for resale, at the rate of **three percent (3%)** of the gross receipts therefrom.

36-3-2 EXCLUSIONS. No tax is imposed by this Article with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made the subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, be subject to taxation under the provisions of this Article for such transactions as are or may become subject to taxation under the provisions of the "**Municipal Retailers' Occupation Tax Act" authorized by 65 ILCS 5/8-11-1.**

36-3-3 NO ADDITIONAL TAX. Such tax shall be in addition to the payment of money or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

36-3-4 DEFINITIONS. For the purposes of this Article, the following definitions shall apply:

"GROSS RECEIPTS" means the consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, as the case may be and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages 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.

"PERSON" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator, or other representative appointed by order of any court.

36-3-5 EFFECTIVE DATE. This Article shall take effect after publication, and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the **first (1st) day of September, 1996**.

36-3-6 REPORT BY TAXPAYER. On or before the last day of September, 1996, each taxpayer shall make a return to the City Treasurer for the months of September, 1996, stating:

(A) His name.

(B) His principal place of business.

(C) His gross receipts during those months upon the basis of which the tax is imposed.

(D) Amount of tax.

(E) Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every third month thereafter, each taxpayer shall make a like return to the City Treasurer for a corresponding **three (3) month** period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

36-3-7 CREDIT FOR OVERPAYMENT. If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

36-3-8 RECOVERY TIME LIMITS. No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

(Ord. No. 283; 07-09-96)

ARTICLE IV - HOTEL AND MOTEL TAX

36-4-1 DEFINITIONS. The terms "hotel" (which includes a motel), "operator", "occupancy", "room" or "rooms", "permanent resident", "rent" or "rental", "department", and "person" are hereby defined and shall have the meanings provided in **35 ILCS 145/2** as that section may be in force from time to time.

The term **"City"** shall mean and refer to the City of Altamont, an Illinois municipal corporation.

The term **"City Clerk"** shall mean and refer to the City Clerk of the City of Altamont, Illinois.

The term **"Treasurer"** shall mean and refer to the City Treasurer of the City of Altamont, Illinois.

The term **"return"** shall mean any return filed or required to be filed as provided in this Article.

36-4-2 TAX. There is hereby levied and imposed for the period commencing **June 1, 1997** through **December 31, 1998** a tax of **one percent (1%)** of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the City for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made, and there is further hereby levied and imposed for the period commencing **January 1, 1999** through **December 31, 2000** a tax of **one and one-half percent (1.5%)** of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the City for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made, and there if further hereby levied and imposed for the period commencing **January 1, 2001** and thereafter, a tax of **two percent (2%)** of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the City for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made; provided, however, that a tax shall not be levied or imposed upon any person who shall be a permanent resident. A permanent resident is hereby defined to be a person who rents a hotel or motel room in the same establishment for more than **thirty (30) consecutive days** or to a person who works and lives in the same hotel or motel.

Persons subject to the tax hereby imposed may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination and in single amount with the state tax imposed under "The Hotel Operators' Occupation Tax Act" as provided in **35 ILCS 145/1 et seq**.

The tax herein levied and imposed shall be paid in addition to any and all other taxes and charges. It shall be the duty of the operator to pay the amount of the tax to the City Clerk under procedures prescribed by the City Clerk or as otherwise provided in this Article.

36-4-3 RECORDS TO BE KEPT. Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as may be required by regulation prescribed by the City Clerk or as otherwise provided in this Article. Such records shall be available for inspection and examination for any proper purpose at any reasonable time upon demand by the City Clerk or a duly authorized agent or employee of the City and shall be preserved for a period of **three (3) years** unless the City Clerk shall prescribe a shorter period of time. It shall be unlawful for any person to prevent, hinder, or interfere with the City Clerk or the duly authorized deputy or representative of the City Clerk in the discharge of the duties of the City Clerk.

36-4-4 RETURNS. Every operator shall file monthly with the City Clerk a return of occupancy and of rents and of the taxes payable thereon on forms prescribed by the City Clerk and consistent with returns required under the Hotel Operators' Occupation Tax Act found in **35 ILCS 145/1 et seq**. The return shall be due on or before the last day of the calendar month

succeeding the end of the month filing period. A separate return shall be filed for each place of business within the City regardless of ownership.

The first taxing period for the purpose of this Article shall commence on **June 1, 1997**, and the tax return and payment for such period shall be due on or before **July 30, 1997**. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this Article. At the time of filing such tax returns, the operator shall pay the full amount of all tax due hereunder.

36-4-5 COLLECTION. Whenever any person shall fail to pay any tax due hereunder or penalty, the City Clerk shall bring or cause to be brought in the name of the City an action to enforce payment of the tax in any court of competent jurisdiction, together with the costs of such collection.

36-4-6 PROCEEDS OF TAXES. All proceeds resulting from the imposition of the tax hereunder, including penalties, shall be paid into the treasury of the City and shall be credited to and deposited in the corporate funds of the City. All such proceeds shall be separately accounted for by the Treasurer.

36-4-7 USE OF FUNDS. All taxes and penalties received by the City hereunder shall be expended by the City solely to promote tourism, conventions and other special events within the City and otherwise to attract non-residents to visit the City. The City Council will provide by separate means for such expenditures, which methods may be changed from time to time, consistent with the terms of this Article and the laws of the State of Illinois.

36-4-8 CERTIFICATE OF REGISTRATION. It shall be unlawful and a violation of this Article for any person to engage in the business of renting, leasing or letting rooms in a hotel within the City without a certificate of registration issued by the Illinois Department of Revenue under the provisions of **35 ILCS 145/5**.

36-4-9 VIOLATION. Any person violating the provisions of this Article, in addition to any and all other penalties provided herein, shall, upon conviction thereof, be guilty of a Class C misdemeanor and be fined not less than **Five Dollars ($5.00)** nor more than **Two Hundred Dollars ($200.00),** and a separate offense shall be deemed to have been committed upon each day in which such violation occurs or continues.

(Ord. No. 295; 05-28-97)

ARTICLE V - SIMPLIFIED TELECOMMUNICATIONS TAX

36-5-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings:

(A) ***"Amount Paid"*** means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

(B) ***"Department"*** means the Illinois Department of Revenue.

(C) ***"Gross Charge"*** means the amount paid for the act or privilege of originating or receiving telecommunications in such a municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within a municipality that has imposed a tax under this Article and charges for the portion of the inter-office channels provided within that municipality. Charges for that portion of the inter-office channel connecting **two (2)** or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to:
   (a) the tax imposed by this Section,
   (b) the tax imposed by the Telecommunications Excise Tax Act,
   (c) the tax imposed by Section 4251 of the Internal Revenue Code,
   (d) 911 surcharges, or
   (e) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(2) charges for a sent collect telecommunication received outside the City.

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption

and during the period of time specified by the Department of Commerce and Economic Opportunity.

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) charges paid by inserting coins in coin-operated telecommunications devices.

(9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if:

(a) those charges are aggregated with other charges for telecommunications that are taxable,

(b) those charges are not separately stated on the customer bill or invoice, and

(c) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business.

If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) ***"Interstate Telecommunications"*** means all telecommunications that either originate or terminate outside this State.

(E) ***"Intrastate Telecommunications"*** means all telecommunications that originate and terminate within this State.

(F) ***"Person"*** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) ***"Purchase at Retail"*** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) ***"Retailer"*** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) ***"Retailer maintaining a place of business in this State",*** or any like term, means and includes any retailer having or maintaining within the State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) ***"Sale at Retail"*** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) ***"Service address"*** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) ***"Taxpayer"*** means a person who individually or through his or her agents, employees, or permittees, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **"Telecommunications"**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

36-5-2 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 City or receiving in the City intrastate telecommunications by a person at a rate of **five percent (5%)** 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 City or receiving in the City interstate telecommunications by a person at a rate of **five percent (5%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this Section, any taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state or such tax properly due and paid in a municipality in this State which was not previously allowed as a credit against any other state.

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

36-5-3 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.

36-5-4 RETURNS TO DEPARTMENT. On or before the last day of **February, 2016,** and on or before the last day of each month thereafter, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.

36-5-5 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

ARTICLE VI - ELECTRIC UTILITY TAX

36-6-1 DEFINITIONS.

(A) **Person Maintaining a Place of Business in this State** shall mean 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.

(B) **Public Utility** shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act and shall include telecommunications carriers as defined in Section 13-202 of that Act and alternative retail electric suppliers as defined in Section 16-102 of that Act.

(C) **Purchase at Retail** shall mean 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.

(D) **Purchaser** shall mean any person, corporation, entity, association, customer, company, or partnership who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail.

(E) **Person Delivering Electricity at Retail** shall mean any person, corporation, entity, association, company, partnership, or Public Utility engaged in the transmission and delivery of electricity to Purchasers for the purpose of using and/or consuming such electricity, and not for resale.

36-6-2 TAX IMPOSED.

(A) Effective **June 1, 2000**, a tax is imposed on all residential Purchasers engaged in the privilege of using or consuming electricity for residential purposes acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser as follows:

(1)	First 2,000 KWH	0.3815598 cents per KWH
(2)	Next 48,000 KWH	0.32241391 cents per KWH
(3)	Next 50,000 KWH	0.290173 cents per KWH
(4)	Next 400,000 KWH	0.282112 cents per KWH
(5)	Next 500,000 KWH	0.274052 cents per KWH
(6)	Next 2,000,000 KWH	0.257931 cents per KWH
(7)	Next 2,000,000 KWH	0.253901 cents per KWH
(8)	Next 5,000,000 KWH	0.249871 cents per KWH
(9)	Next 10,000,000 KWH	0.2458406 cents per KWH
(10)	Over 20,000,000 KWH	0.2418104 cents per KWH

(B) Pursuant to Public Act 90-561, as codified in **65 ILCS 5/8-11-2**, the rates set forth above shall be effective for all customers on **June 1, 2000**.

(C) Pursuant to **65 ILCS 5/8-11-2**, Ordinance 303 shall specifically remain in effect for gross receipts attributable to customers up to and until **May 31, 2000**.

(D) Effective **December 31, 2000**, a tax is imposed on all residential Purchasers engaged in the privilege of using or consuming electricity for residential purposes acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser as follows:

(1)	First 2,000 KWH	0.4016484 cents per KWH
(2)	Next 48,000 KWH	0.263376 cents per KWH
(3)	Next 50,000 KWH	0.2370384 cents per KWH
(4)	Next 400,000 KWH	0.230454 cents per KWH
(5)	Next 500,000 KWH	0.2238696 cents per KWH
(6)	Next 2,000,000 KWH	0.2107008 cents per KWH

(7)	Next 2,000,000 KWH	0.2074086 cents per KWH
(8)	Next 5,000,000 KWH	0.2041164 cents per KWH
(9)	Next 10,000,000 KWH	0.2008242 cents per KWH
(10)	Over 20,000,000 KWH	0.197532 cents per KWH

(E) Pursuant to Public Act 90-561, as codified in **65 ILCS 5/8-11-2**, the rates set forth in paragraph (D)(1-10) above shall be effective for all residential customers on **December 31, 2000**.

(F) Pursuant to **65 ILCS 5/8-11-2**, Ordinance 303 shall specifically remain in effect for gross receipts attributable to customers up to and until **May 31, 2000**.

(G) Effective **December 31, 2000**, a tax is imposed on all non-residential Purchasers engaged in the privilege of using or consuming electricity for non-residential purposes acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser as follows:

(1)	First 2,000 KWH	0.4016484 cents per KWH
(2)	Next 48,000 KWH	0.263376 cents per KWH
(3)	Next 50,000 KWH	0.2370384 cents per KWH
(4)	Next 400,000 KWH	0.230454 cents per KWH
(5)	Next 500,000 KWH	0.2238696 cents per KWH
(6)	Next 2,000,000 KWH	0.2107008 cents per KWH
(7)	Next 2,000,000 KWH	0.2074086 cents per KWH
(8)	Next 5,000,000 KWH	0.2041164 cents per KWH
(9)	Next 10,000,000 KWH	0.2008242 cents per KWH
(10)	Over 20,000,000 KWH	0.197532 cents per KWH

(E) Pursuant to Public Act 90-561, as codified in **65 ILCS 5/8-11-2**, the rates set forth in paragraph (G)(1-10) above shall be effective for all non-residential customers on **December 31, 2000**.

(F) Pursuant to **65 ILCS 5/8-11-2**, Ordinance 303 shall specifically remain in effect for gross receipts attributable to customers up to and until **May 31, 2000**.

36-6-3 LIMITATION. None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the **Municipal Retailers' Occupation Tax Act** as authorized by **65 ILCS 5/8-11-1**; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the City, whether privately or municipality owned or operated, or exercising the same privilege within the corporate boundaries of the City.

36-6-4 ADDITIONAL TAX. Such tax shall be in addition to other taxes levied or otherwise imposed upon the Purchaser.

36-6-5 COLLECTION. The tax authorized by this Article shall be collected from the person delivering electricity at retail. This tax shall constitute a debt of the purchaser to the person delivering electricity at retail, and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity at retail shall constitute a debt owed to the City by such person delivering the electricity at retail. Persons delivering electricity at retail 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 at retail for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the person delivering electricity at retail fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. The person delivering electricity at retail who files a return pursuant to this Section shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to this Article.

36-6-6 RETURN.

(A) On or before the last day of each month, each person delivering electricity at retail collecting the tax as set forth herein shall make a return to the City Treasurer for the preceding month stating:

(1) His name.

(2) His principal place of business.

(3) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.

(4) Amount of tax.

(5) Such other reasonable and related information as the corporate authorities may require.

(B) The person delivering electricity at retail making the return herein provided for shall, at the time of making such return, pay to the City the amount of tax herein imposed.

36-6-7 CREDIT FOR PAYMENT MADE IN ERROR. If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the purchaser who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited. No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

36-6-8 PENALTY. Any purchaser or person delivering electricity at retail fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article shall be liable in a civil action as stated in City ordinance in connection with Rights and Responsibilities Related to Locally Imposed and Administered Taxes of the City.

(Ord. No. 339-01; 02-12-01)

ARTICLE VII – MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

36-7-1 TAX IMPOSED; RATE. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the City at the rate of **three percent (3%)** of the gross receipts from these sales made in the course of that business. The imposition of this tax is in accordance with the provisions of Section 8-11-22 of the Illinois Municipal Code **(65 ILCS 5/8-11-23)**.

36-7-2 COLLECTION OF TAX BY RETAILERS. The tax imposed by this Article shall be remitted by such retailer to the Illinois Department of Revenue. Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

36-7-3 ADMINISTRATION. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Article.

(Ord. No. 670-19; 09-23-19)

ARTICLE VIII – MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND MUNICIPAL GROCERY SERVICE OCCUPATION TAX

36-8-1 GROCERY RETAILERS' OCCUPATION TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in the City at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Section is in effect. The imposition of this tax is in accordance with and subject to the provisions of **65 ILCS 5/8-11-24** of the Illinois Municipal Code.

36-8-2 GROCERY SERVICE OCCUPATION TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in **Section 36-8-1** above. The imposition of this tax is in accordance with and subject to the provisions of **65 ILCS 5/8-11-24** of the Illinois Municipal Code.

36-8-3 ILLINOIS DEPARTMENT OF REVENUE TO ADMINISTER BOTH TAXES. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

36-8-4 CLERK TO FILE ORDINANCE WITH ILLINOIS DEPARTMENT OF REVENUE. As required under **65 ILCS 5/8-11-24**, the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before **October 1, 2025**.

36-8-5 EFFECTIVE DATE. The taxes imposed by this Ordinance shall take effect on the later of: (i) **January 1, 2026**; (ii) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding **April 1st**; or, (iii) the first day of January next following the adoption of this Ordinance with the Department of Revenue, if filed on or before the preceding **October 1st**.

(Ord. No. 827-25; 05-16-25)

CHAPTER 38 - UTILITIES

ARTICLE		TITLE	PAGE
I	DEPARTMENT ESTABLISHED		
	Section 38-1-1	- Department Established	38-1
	Section 38-1-2	- Commissioners Joint Authority	38-1
	Section 38-1-3	- Superintendent	38-1
	Section 38-1-4	- Duties of the Superintendents	38-1
II	RATES AND REGULATIONS		
	Section 38-2-1	- Contract for Utility Services	38-2
	Section 38-2-2	- Consumer Lists	38-4
	Section 38-2-3	- Filed in Recorder of Deeds	38-4
	Section 38-2-4	- Liability for Charges	38-4
	Section 38-2-5	- Estimated Charge	38-4
	Section 38-2-6	- No Free Utility Service	38-4
	Section 38-2-7	- Meter Malfunction	38-4
	Section 38-2-8	- Utility Deposits	38-4
	Section 38-2-9	- Discontinuance of Water Service	38-5
	Section 38-2-10	- Reconnection Fee	38-5
	Section 38-2-11	- Payment of Prior Balances	38-5
	Section 38-2-12	- No New Service to Persons Owing Charges in Arrears	38-5
	Section 38-2-13	- Deferred Payment Agreements	38-6
III	WATER SYSTEM		
	Division I – General Regulations		
	Section 38-3-1	- Definitions	38-7
	Section 38-3-2	- Application for Taps and Service Connections to the Waterworks System	38-8
	Section 38-3-3	- All Service to be by Meter	38-8
	Section 38-3-4	- Removal of Meters	38-8
	Section 38-3-5	- Water Connection Requirements	38-8
	Section 38-3-6	- Inspection	38-9
	Section 38-3-7	- Meter Damaged	38-9
	Section 38-3-8	- Damage Due to Interruption of Service; Liability	38-9
	Section 38-3-9	- Resale of Water	38-9
	Section 38-3-10	- Discontinuing Service - Dangerous Usage	38-9
	Section 38-3-11	- Electric Ground Wires	38-10
	Section 38-3-12	- Water for Building or Construction Purposes	38-10
	Section 38-3-13	- Fire Hydrants	38-10
	Section 38-3-14	- Limited Water Usage in Emergencies	38-10
	Section 38-3-15	- Shortage and Purity of Supply	38-11
	Section 38-3-16	- Non-Compliance with Rules and Regulations	38-11
	Section 38-3-17	- Easements	38-11
	Section 38-3-18	- Use of Water on Consumer's Premises	38-11
	Section 38-3-19	- Allocation of Maintenance Costs Between User and City	38-11
	Section 38-3-20	- City Not Liable for Interruption of Supply	38-11
	Section 38-3-21	- Water Well Permits Required	38-12
	Section 38-3-22	- Abandoned Connection	38-12
	Section 38-3-23	- Alternative Water Source	38-12
	Section 38-3-24	- Rules to Become Part of Contract	38-12
	Section 38-3-25	- Customer Neglects to Repair Leak	38-12
	Section 38-3-26	- 38-3-30 Reserved	

ARTICLE	TITLE	PAGE
III	WATER SYSTEM (CONTINUED)	
	Division II - Cross-Connection Administration	
	Section 38-3-31 - Approved Backflow Device	38-13
	Section 38-3-32 - Cross-Connection Prohibited; Exception	38-13
	Section 38-3-33 - Investigations by Superintendent	38-13
	Section 38-3-34 - Right to Enter Premises	38-13
	Section 38-3-35 - Notice to Customer; Reconnect Fee	38-13
	Section 38-3-36 - Contaminations Costs and the Consumer	38-14
	Section 38-3-37 - 38-3-40 Reserved	
	Division III – Cross-Connection Control Code	
	Section 38-3-41 - Purpose	38-14
	Section 38-3-42 - Application	38-14
	Section 38-3-43 - Responsibility of Owner	38-14
	Section 38-3-44 - Definitions	38-15
	Section 38-3-45 - Water System	38-17
	Section 38-3-46 - Cross-Connection Prohibited	38-17
	Section 38-3-47 - Survey and Investigations	38-17
	Section 38-3-48 - Where Protection is Required	38-18
	Section 38-3-49 - Type of Protection Required	38-19
	Section 38-3-50 - Backflow Prevention Devices	38-20
	Section 38-3-51 - Inspection and Maintenance	38-20
	Section 38-3-52 - Booster Pumps	38-21
	Section 38-3-53 - Violations and Penalties	38-21
	Section 38-3-54 - 38-3-60 Reserved	
	Division IV – Extension of Mains	
	Section 38-3-61 - Determination of Who Pays Expense of Extension	38-22
	Section 38-3-62 - Easements	38-22
	Section 38-3-63 - Size and Type	38-22
	Section 38-3-64 - Title	38-22
	Section 38-3-65 - Maintenance and Replacement	38-22
	Section 38-3-66 - 38-3-69 Reserved	
	Division V – Potable Water Supply Wells	
	Section 38-3-70 - Prohibition	38-22
	Section 38-3-71 - Penalties	38-23
	Section 38-3-72 - Definitions	38-23
	Section 38-3-73 - Preexisting Use	38-23
	Division VI – Water Rates	
	Section 38-3-74 - Building Unit Defined	38-23
	Section 38-3-75 - Revenues	38-23
	Section 38-3-76 - Accounts	38-24
	Section 38-3-77 - Notice of Rates	38-24
	Section 38-3-78 - Access to Records	38-24
	Section 38-3-79 - Appeals	38-24
	Section 38-3-80 - Adequacy of Capital Infrastructure Fee	38-24
	Section 38-3-81 - Water Tap-On Fees	38-25
	Section 38-3-82 - Water Rates	38-25
	Section 38-3-83 - Requested Shut-Off	38-25
	Section 38-3-84 - 38-3-89 Reserved	

ARTICLE		TITLE	PAGE
IV		**WASTEWATER SYSTEM**	
		Division I – Definitions	
	Section 38-4-1	- Definitions	38-26
	Section 38-4-2	- 38-4-3 Reserved	
		Division II - Use of Public Wastewaters Required	
	Section 38-4-4	- Deposit of Wastes	38-29
	Section 38-4-5	- Sewage in Natural Outlet	38-29
	Section 38-4-6	- Private System, Unlawful	38-29
	Section 38-4-7	- Connection to System Required	38-29
	Section 38-4-8	- 38-4-9 Reserved	
		Division III - Private Sewage Disposal	
	Section 38-4-10	- Private Sewage System	38-30
	Section 38-4-11	- Health Department Approval	38-30
	Section 38-4-12	- Permit Approval	38-30
	Section 38-4-13	- Compliance with State Requirements	38-30
	Section 38-4-14	- Availability of Public Wastewater	38-30
	Section 38-4-15	- Operation of Private System	38-30
	Section 38-4-16	- Additional Restrictions	38-31
	Section 38-4-17	- Responsibilities of the Owner	38-31
	Section 38-4-18	- 38-4-20 Reserved	
		Division IV - Building Wastewater and Connections	
	Section 38-4-21	- Disturbing System Unlawful	38-31
	Section 38-4-22	- Compliance with Regulating Authorities	38-31
	Section 38-4-23	- Classes of Permits	38-31
	Section 38-4-24	- Cost Borne by Owner	38-31
	Section 38-4-25	- Separate Wastewater; Exception	38-32
	Section 38-4-26	- Old Building Wastewater	38-32
	Section 38-4-27	- Construction Methods	38-32
	Section 38-4-28	- Plumbing Code Requirements	38-32
	Section 38-4-29	- Elevation	38-32
	Section 38-4-30	- Prohibited Connections	38-33
	Section 38-4-31	- Connections to Wastewater Mains	38-33
	Section 38-4-32	- Capacity of Wastewater	38-33
	Section 38-4-33	- Tap-In Supervision and Testing	38-33
	Section 38-4-34	- Inspection	38-34
	Section 38-4-35	- Public Wastewater Connection	38-34
	Section 38-4-36	- Protection of Property	38-34
	Section 38-4-37	- Bond Required	38-34
	Section 38-4-38	- Unlawful Discharges	38-34
	Section 38-4-39	- Capping Connections During Demolition	38-34
	Section 38-4-40	- 38-4-41 Reserved	
		Division V – Extension of Collecting Wastewaters	
	Section 38-4-42	- Permit Required; Authorized Personnel	38-35
	Section 38-4-43	- Extension Permits	38-35
	Section 38-4-44	- Materials	38-35
	Section 38-4-45	- Inspections of Construction	38-35
	Section 38-4-46	- Manholes Required	38-36
	Section 38-4-47	- 38-4-48 Reserved	

ARTICLE		TITLE	PAGE
IV		WASTEWATER SYSTEM (CONTINUED)	
		Division VI - Use of Public Wastewater Facilities	
	Section 38-4-49	- Discharge of Storm Water	38-36
	Section 38-4-50	- Storm Water	38-36
	Section 38-4-51	- Regulations of Wastes	38-36
	Section 38-4-52	- Harmful Effects of Certain Materials	38-37
	Section 38-4-53	- Harmful Wastes; Approval	38-38
	Section 38-4-54	- Flow-Equalizing Facilities	38-38
	Section 38-4-55	- Industrial Wastes Control Manhole	38-38
	Section 38-4-56	- Industrial Waste Testing	38-38
	Section 38-4-57	- Measurements and Tests	38-39
	Section 38-4-58	- Special Arrangements	38-39
	Section 38-4-59	- 38-4-64 Reserved	
		Division VII – Grease Interceptors and Trap Code	
	Section 38-4-65	- Scope and Purpose	38-39
	Section 38-4-66	- Definitions	38-39
	Section 38-4-67	- General Provisions	38-40
	Section 38-4-68	- Required Maintenance of Grease Interceptors and Traps	38-42
	Section 38-4-69	- Prohibition on Discharge of Fats, Oils and Grease	38-42
	Section 38-4-70	- Requirements for Grease Haulers	38-43
	Section 38-4-71	- Penalties for Violation	38-43
		Division VIII - Inspections	
	Section 38-4-72	- Damage	38-44
	Section 38-4-73	- Inspection and Testing	38-45
	Section 38-4-74	- Liability of City	38-45
	Section 38-4-75	- Private Property Inspections	38-45
	Section 38-4-76	- 38-4-77 Reserved	
		Division IX – Sewer Rates	
	Section 38-4-78	- Building Unit Defined	38-45
	Section 38-4-79	- Sewer Revenues	38-45
	Section 38-4-80	- Sewer Accounts	38-46
	Section 38-4-81	- Notice of Rates	38-46
	Section 38-4-82	- Access to Records	38-46
	Section 38-4-83	- Appeals	38-46
	Section 38-4-84	- Basis for Wastewater Service Charges	38-46
	Section 38-4-85	- Measurement of Flow	38-47
	Section 38-4-86	- Debt Service Charge	38-47
	Section 38-4-87	- Basic User Rate	38-47
	Section 38-4-88	- Surcharge Rate	38-48
	Section 38-4-89	- Computation of Surcharge	38-48
	Section 38-4-90	- Computation of Wastewater Service Charge	38-48
	Section 38-4-91	- 38-4-94 Reserved	
		Division X - Penalties	
	Section 38-4-95	- Penalty	38-49
	Section 38-4-96	- Continued Violations	38-49
	Section 38-4-97	- Liable to City	38-49

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 DEPARTMENTS ESTABLISHED. There shall be executive departments of the City known as the **Water Department and the Sewer Department.** It shall include the Water and Sewer Superintendents and employees of the Department. The designated office shall be the City Hall.

38-1-2 COMMISSIONERS JOINT AUTHORITY. The Commissioner of Public Property and the Commissioner of Streets and Public Improvements shall jointly exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 SUPERINTENDENT. The Superintendents of the Water and Sewer Departments shall be subject to the supervision of the Commissioners and shall be hereinafter be referred to as the **"Superintendent".** The Superintendents shall be appointed by the Commissioners, by and with the advice and consent of the City Council and shall hold office until a successor is appointed and qualified. They shall receive such salary as may be provided by the annual budget of the City Council at the time of their appointment.

38-1-4 DUTIES OF THE SUPERINTENDENTS. The Superintendent shall exercise general management and control over his respective department.

(A) He shall supervise over and be responsible for the conduct and performance of all employees of the department as a Department Head in accordance with the Employee Code, if any.

(B) He shall be responsible for the operation and maintenance of the City's water system and sewer system as provided in this Code.

(C) He shall be the custodian of all vehicles, equipment, structures, and property provided by the City for the use of his department.

(D) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(E) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the City Council.

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage system and every person, company or corporation, hereinafter called a **"customer"** who accepts and uses City water and sewer services shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefore.

(C) **Using Services Without Paying.** Any person using utility services from the City without paying therefore, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Payment for Utility Service.**

(1) The water meters of the City water system shall be read not later than the **twentieth (20th) day** of each month by the Department Supervisor.

(2) The Department Supervisor shall provide the City Clerk with all water meter readings each month.

(3) The City Clerk shall prepare and mail (by regular U.S. mail) all utility service bills to the customer's address not later than the **thirtieth (30th) day** of each month.

(4) All utility bills shall be due and payable by the customer not later than the **seventeenth (17th) day** of each month.

(5) If a utility bill is not paid by the customer by the **seventeenth (17th) day** of the month, the water service bill is considered past due and a **ten percent (10%)** late fee shall be assessed to such customer on the **eighteenth (18th) day**.

(6) Any customer who fails to pay the utility bills within **seventeen (17) days** of presentation shall have the utility services disconnected after a written notice by the Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **seventeen (17) days** after billing, specifically advising the customer of the following:

(a) Name and address of the customer and amount due for services including late penalties.

(b) The date, time and location of the hearing to be held.

(c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.

(d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.

(e) The date of termination.

[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]

(7) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the City based on the information received at the hearing. **(See Appendix #6)**

(8) The customer shall be notified within **five (5) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first-class mail.

(9) If the hearing officer decides in favor of the City, the City shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the City shall also have the right to terminate the customer's utility services without further proceedings.

(10) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.

(11) The City has the power to sue the customer in a civil action to recover the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney's fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**

(12) The term "customer" shall mean any person, corporation or entity that applies for water, sewer, electric, or garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

(l) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Treasurer has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein. **(See 65 ILCS 5/11-139-8)**

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges may be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City.

The City Attorney is hereby authorized to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **ninety (90) days** after it has been rendered. **(See 65 ILCS 5/11-139-8)**

38-2-2 CONSUMER LISTS. It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 FILED IN RECORDER OF DEEDS. A copy of this Chapter properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of the County, and shall be deemed notice to all owners of real estate of liability for service supplied to ay ser of the service of the waterworks system of said City on their properties.

38-2-4 LIABILITY FOR CHARGES. The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City.

38-2-5 ESTIMATED CHARGE. Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-6 NO FREE UTILITY SERVICE. No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-7 METER MALFUNCTION. Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of **Twenty Dollars ($20.00)**. If upon test the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced, and the **Twenty Dollar ($20.00)** fee returned to the consumer.

38-2-8 UTILITY DEPOSITS.

(A) **Property Owner.** A utility deposit shall be paid to the Clerk by any applicant who is not the record owner of the property and/or including purchasers buying contract-for-deed before the utility will be turned on to any premises. The deposit shall be retained by the City until the user discontinues utility service from the City at which time the

deposit will be returned to the user, provided however, that said user shall have a good payment record, making all monthly payments timely. Organizational pledges will not be accepted as payment of the utility deposit.

Required deposits shall be established as follows:

$300.00 for any location requesting only water service.

$500.00 for any location whereby the request includes electric service.

(Ord. No. 517-12; 08-27-12)

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit.

(Ord. No. 464-10; 05-24-10)

38-2-9 DISCONTINUANCE OF WATER SERVICE. The City may discontinue water service when any customer fails to do any of the following:

(A) make a deposit or increase a deposit pursuant to **Section 38-2-8** of the City Code.

(B) pay a past due bill owed to the City for water service furnished at the same location or at another location. For purposes of this paragraph, a utility may discontinue water service if the current customer is liable for a past due bill for water services pursuant to Section 15 of the Rights of Married Persons Act **(750 ILCS 6-5/15)**; unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to **Section 38-2-8** and/or enters into a deferred payment agreement pursuant to **Section 38-2-13**.

(C) make payment in accordance with the terms of a deferred payment agreement.

(D) provide utility representatives with access to the water meter.

(E) comply with the rules and regulations of the City Water Department.

38-2-10 RECONNECTION FEE. When water service to a customer has been discontinued for nonpayment of charges, a reconnection charge of **Twenty-Five Dollars ($25.00)** shall be made if reconnection is made during normal working hours and a charge of **Fifty Dollars ($50.00)** shall be made if such reconnection is made after normal working hours.

38-2-11 PAYMENT OF PRIOR BALANCES. The City shall not be required to connect or provide any service to any customer until all previous balances for water service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's utility collection office.

38-2-12 NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS. No person owing utility charges and removing to other premises where there are City utility connections or where connections shall afterwards be made shall be served until such charges in arrears are paid in full.

38-2-13 DEFERRED PAYMENT AGREEMENTS.

(A) Residential customers who are indebted to the City for past due water service may have the opportunity, at the discretion of the City, to make arrangements with the City to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement.

(B) The terms and conditions of a reasonable deferred payment agreement and the City's decision whether or not to offer a customer for service a deferred payment agreement shall be determined by the City after consideration of the following factors, based upon information available from current utility records or provided by the customer:

(1) size of past due account; and
(2) customer or customer's ability to pay; and
(3) customer or customer's payment history; and
(4) reason for outstanding indebtedness; and
(5) any other relevant factors relating to the circumstances of the customer or customer's service.

(C) When entering into a deferred payment agreement, the customer shall pay **one-fourth (1/4)** of the amount past due and owing at the time of entering into the deferred payment agreement. The City shall allow a minimum of **three (3) months** from the date of said agreement for payment to be made under a deferred payment agreement. Late payment charges may be assessed against the amount deferred payment agreement with a customer during a **twelve (12) month** period.

(D) A deferred payment agreement shall be in writing, with a copy provided to customer, and shall conform to the following requirements:

(1) the customer shall be required to pay all future bills for water service by the due date; and
(2) the customer retires his/her debt according to the terms of the deferred payment agreement.

(Ord. No. 394-04; 11-08-04)

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

(A) **Federal Government.**

(1) ***"Federal Act"*** means the federal 1996 Safe Drinking Water Acts Amendments.

(2) ***"Administrator"*** means the Administrator of the U.S. Environmental Protection Agency.

(B) **State Government.**

(1) ***"State Act"*** means the Illinois Anti-Pollution Bond Act of 1970.

(2) ***"Director"*** means the Director of the Illinois Environmental Protection Agency.

(3) ***"State Loan"*** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

(C) **Local Government.**

(1) ***"Approving Authority"*** means the City Council of the City of Altamont or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.

(D) ***"Person"*** shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(E) **Clarification of Word Usage.** ***"Shall"*** in mandatory; ***"may"*** is permissible.

(F) **Water and Its Characteristics.**

(1) ***"ppm"*** shall mean parts per million by weight.

(2) ***"milligrams per liter"*** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

(3) ***"PH"*** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(G)

(1) ***"Curb Cock"*** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.

(2) ***"Easement"*** shall mean an acquired legal right for the specific use of land owned by others.

(3) ***"Service Box"*** shall mean a valve box used with corporation or curb cock.

(H) **Types of Charges.**

(1) ***"Water Service Charge"*** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

(2) ***"User Charge"*** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.

(3) ***"Basic User Charge"*** shall mean the basic assessment levied on all users of the public water system.

(4) ***"Debt Service Charge"*** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(5) ***"Capital Improvement Charge"*** shall mean a charge levied on users to improve, extend or reconstruct the water works.

(6) ***"Local Capital Cost Charge"*** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

(7) ***"Replacement"*** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(8) ***"Useful Life"*** shall mean the estimated period during which the water works will be operated.

(9) ***"Water and Sewer Fund"*** is the principal accounting designation for all revenues received in the operation of the water system.

38-3-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Appendix #1)**

38-3-3 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

38-3-4 REMOVAL OF METERS. All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-5 WATER CONNECTION REQUIREMENTS. The Village reserves the right, through its Water Superintendent, to select and specify the kind, make, type and size of any and all materials and appliances used for services as well as the installation of the Village supplied **three-fourths inch (3/4")** water meter. As new materials become available and the plumbing industry standards continue to change, Heavy Wall Roll Poly Flex Plastic or PVC, may be used only when rated no less than 250 psi. All non-metallic water service shall be installed using a Copper Tracer Wire. In no case shall a Service Line be used which is less than **three-fourths inch (3/4")** inside diameter. All water customer service lines shall be considered as only the pipe which extends from the curb stop to the home or business for which it serves. All water customers shall be required to use a meter meeting the specifications to the compatible with

current Village automated meter reading procedures. Any modifications beyond **January 1, 2020**, shall have a Village supplied curb stop/shut off valve. The owner/applicant shall be responsible for all repairs, alterations on the property served. The owner/applicant shall also be responsible for performing all work in accordance with applicable plumbing standards at the time of installation. All connections to the Village water supply are to be made by an insured, licensed plumber.

The user shall not connect any service line, or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

38-3-6 INSPECTION.

(A) **Access to Premises.** The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.

38-3-7 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-8 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City shall not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, extensions or renewals.

38-3-9 RESALE OF WATER. No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit, therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

38-3-10 DISCONTINUING SERVICE - DANGEROUS USAGE. The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be

detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City, or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-11 ELECTRIC GROUND WIRES. All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected **five (5) days** after notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-12 WATER FOR BUILDING OR CONSTRUCTION PURPOSES. Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed, and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent.

38-3-13 FIRE HYDRANTS.

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the City Limits, shall be owned, maintained and used only by the City and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the City and after approved application to the City.

(B) The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the City Limits owned by the City shall be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

(D) The annual fee per fire hydrant is **Ten Dollars ($10.00)**.

38-3-14 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

(1) the washing of cars and other vehicles;

(2) the sprinkling of lawns and shrubbery;

(3) the watering of gardens;
(4) other nonessential uses;

and it shall be unlawful for any person to so use water from the City supply during such an emergency.

38-3-15 SHORTAGE AND PURITY OF SUPPLY. The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-16 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-17 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

38-3-18 USE OF WATER ON CONSUMER'S PREMISES. The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

38-3-19 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY. The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service line or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-20 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY. The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the City will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

38-3-21 WATER WELL PERMITS REQUIRED. It shall be unlawful to drill a water-well in the City without the proper permits from the State of Illinois and the City Council. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

38-3-22 ABANDONED CONNECTION. Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

38-3-23 ALTERNATIVE WATER SOURCE. Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The City expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

38-3-24 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-25 CUSTOMER NEGLECTS TO REPAIR LEAK. The City shall have the option of notifying a property owner or tenant in writing of water line repairs that need to be made beyond the meter on their property due to an excessive leak. Upon failure to make proper repairs within **ten (10) days**, the water service shall be discontinued. It shall be the duty of the Water Superintendent to shut off or have shut off, the water service to the property until proper repairs have been made.

38-3-26 - 38-3-30 RESERVED.

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-31 APPROVED BACKFLOW DEVICE. All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-32 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-33 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

38-3-34 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

38-3-35 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars ($100.00)** is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be affected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be affected to prevent

actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-36 CONTAMINATIONS COST AND THE CONSUMER. The consumer responsible for back siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

(Ord. No. 239; 09-23-91)

38-3-37 - 38-3-40 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-41 PURPOSE. The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-42 APPLICATION. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-43 RESPONSIBILITY OF OWNER. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-3-47(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-44 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow Prevention Device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

"Consumer's Water System" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

"Direct Cross-Connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Indirect Cross-Connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Double Check Valve Assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the watertightness of each check valve.

"Health Hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

"Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

"Non-potable Water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

"Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

"Potable Water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

"Process fluid(s)" means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

(A) polluted or contaminated waters;

(B) process waters;

(C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;

(D) cooling waters;

(E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;

(F) chemicals in solution or suspension;

(G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

"Reduced Pressure Principal Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure

between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-45 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the Superintendent up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-46 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-47 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or

absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with **Ill. Comp. Stat., Ch. 225, Sec. 320/3**.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

(2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

(3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4) Testing and Records

(a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

(b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with **Ill. Comp. Stat., Ch. 415, Sec. 5/4(e)**.

(c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

(d) A maintenance log shall be maintained and include:

1. date of each test;
2. name and approval number of person performing the test;
3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. serving performed and date completed.

38-3-48 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent

and the source is approved by the Illinois Environmental Protection Agency.

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent.

(3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent determines that no actual or potential hazard to the public water supply system exists:

(1) Hospitals, mortuaries, clinics, nursing homes.

(2) Laboratories.

(3) Piers, docks, waterfront facilities.

(4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.

(5) Food or beverages processing plants.

(6) Chemical plants.

(7) Metal plating industries.

(8) Petroleum processing or storage plants.

(9) Radioactive material processing plants or nuclear reactors.

(10) Car washes.

(11) Pesticide, or herbicide or extermination plants and trucks.

(12) Farm service and fertilizer plants and trucks.

38-3-49 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under **Section 38-3-48** of these regulations shall depend on the degree of hazard which exists as follows:

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

(2) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under **Section 38-3-48** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device.

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principal backflow preventers shall be installed on fire safety systems connected to the public water supply when:

(1) The fire safety system contains antifreeze, fire retardant or other chemicals;

(2) water is pumped into the system from another source; or

(3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;

(4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-50 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-51 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by-passed air gaps shall be made within 24 hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.

(3) Reduced pressure principal backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-52 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low-pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-53 VIOLATIONS AND PENALTIES.

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Neither the City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(D) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(E) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(F) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

(Ord. No. 239; 09-23-91)

38-3-54 - 38-3-60 RESERVED.

DIVISION IV - EXTENSION OF MAINS

38-3-61 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION. The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main, then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. All extensions shall comply with the "Standard Specifications for Water & Sewer Construction in the State of Illinois". **(See Appendix #2)**

38-3-62 EASEMENTS. Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary, for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-63 SIZE AND TYPE. The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.

38-3-64 TITLE. Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-65 MAINTENANCE AND REPLACEMENT. The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

38-3-66 - 38-3-69 RESERVED.

DIVISION V – POTABLE WATER SUPPLY WELLS

38-3-70 PROHIBITION. After the effective date of this Division, the use or attempted use as a potable water supply ground water within the corporate boundaries of the City, by the use, installation or drilling of wells or by any other method, directly or indirectly, is hereby prohibited. No well(s) intended to be used as a potable water supply shall be drilled or installed or caused to be drilled or installed within the corporate boundaries of the City.

38-3-71 PENALTIES. Any person violating the provisions of this Division shall be deemed guilty of a civil ordinance violation and subject to a fine of **Five Hundred Dollars ($500.00)** for each violation. Each day that such violation is allowed or permitted to exist shall constitute a separate offense. The City may seek injunctive or declaratory relief from a court of competent jurisdiction to enforce the provisions of this Division.

38-3-72 DEFINITIONS.

(A) ***"Person"*** means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

(B) ***"Potable Water"*** shall mean any water used for human or domestic consumption, including but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(C) ***"Waterworks"*** shall have that meaning as stated in **65 ILCS 5/11-130-2**.

38-3-73 PREEXISTING USE. Any well existing within the corporate boundaries of the City, and being used as a potable water supply prior to the date of this Division may continue to be used as a potable water source by those persons using such well as a potable water supply; provided, however, that if the City Waterworks is extended to a location within **one hundred (100) feet** of the boundary line of the real estate upon which the well is located, then such well shall be sealed in accordance with **415 ILCS 30/1 et seq.** and the regulations promulgated pursuant thereto by the Illinois Department of Public Health, and the use of such well as a potable water supply shall terminate and the person then using such well as a potable water supply shall, at such person's expense, install a water service line and connect such line to the City Waterworks in accordance with City ordinances and the rules and regulations of the City Water Department, as amended from time to time. In the event that compliance with this Section causes severe economic hardship to a person using a well as a potable water supply prior to the effective date of this Division, then such person may apply to the City Council for an exemption from the requirements of this Section. Said application shall be in writing and shall state the circumstances and factual basis for such severe economic hardship. Said applications shall be granted or denied following a hearing before the City Council. Said grant or denial shall be in writing issued to the person within **ninety (90) days** of said hearing. The City Council may place reasonable restrictions or conditions on such exemption as are deemed necessary to secure the purposes of this Division.

(Ord. No. 387-04; 06-14-04)

DIVISION VI – WATER RATES

38-3-74 BUILDING UNIT DEFINED. All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-3-75 REVENUES. All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

The Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the City". The Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II)**

38-3-76 ACCOUNTS. The Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.

(B) Billing data to show total number of gallons billed.

(C) Debt service for the next succeeding fiscal year.

(D) Number of users connected to the system.

(E) Number of non-metered users.

(F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-3-77 NOTICE OF RATES. A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-3-78 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

38-3-79 APPEALS. The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-3-80 ADEQUACY OF CAPITAL INFRASTRUCTURE FEE. The adequacy of the capital infrastructure fee shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. Any percentage change (increase or decrease) in the local capital improvement costs based on the latest fiscal year audit, which are passed directly to all utility bills shall be determined by the City Council. A minimum **three percent (3%)** annual increase effective January of each year shall be determined by City Council. **(Ord. No. 699-20; 11-23-20)**

38-3-81 WATER TAP-ON FEES.

(A) **Inside City.** Applicants for water service inside and outside the City limits, being commercial or residential, shall pay the following established rates, in addition to the current rate of sales tax, in advance of the tap-in connection:

1" service	$1,400.00
1 ½" service	Cost of material at time of installation
2" service	Cost of material at time of installation

(Ord. No. 435-08; 01-28-08)

(B) **Illinois Plumbing Code.** All water tap and service connections made to the mains of the Waterworks System of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the City's water department, unless otherwise approved by the City Council.

(C) **Maintenance of Water Lines. The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the City. The City shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter. The property owner shall be responsible for the service line from the meter into the premises served. (Ord. No. 389-04; 06-14-04)**

38-3-82 WATER RATES. There shall be established the following rates and charges for the use of the water system of the City, based upon the amount of water consumed as follows:

(A) **WATER RATES: LESS THAN 2" METER.**

First	1,000 gallons per month	$16.00 MINIMUM CHARGE
Over	1,000 gallons per month	$ 1.10 per 100 gallons

(Ord. No. 750-22; 10-24-22)

(B) **WATER RATES: 2" METER OR MORE.**

First	1,000 gallons per month	$172.00 MINIMUM CHARGE
Over	1,000 gallons per month	$ 1.10 per 100 gallons

(Ord. No. 750-22; 10-24-22)

(C) **BULK SALES.**

Per 100 gallons	$ 1.50

(D) **CAPITAL INFRASTRUCTURE FEE.** The water rates and charges for water customers of the City shall be the same as the water rates set forth by the City Council. In addition, a **Ten Dollar Thirty-Four Cents ($10.34)** per month capital infrastructure fee shall be charged. **(Ord. No. 842-25; 2025)**

38-3-83 REQUESTED SHUT-OFF. If user requests water to be shut off, there will be a **Twenty-Five Dollar ($25.00)** fee prior to **4:00 P.M.** and **Fifty Dollars ($50.00)** after **4:00 P.M.** to have the water turned on again.

38-3-84 - 38-3-89 RESERVED.

ARTICLE IV - WASTEWATER SYSTEM

DIVISION I - DEFINITIONS

38-4-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

"GOVERNMENT, FEDERAL".

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act **(33 U.S.C. 466 et seq)** as amended, **(Pub. L. 95-217).**

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

"GOVERNMENT, LOCAL".

(A) **"Approving Authority"** shall mean the Superintendent of the City or his authorized deputy, agent, or representative.

(B) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(C) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

(D) **"Inspector"** shall mean the Superintendent or other person or persons duly authorized by the City to inspect and approve the installation of building sewer and their connection to the sanitary sewer system.

"GOVERNMENT, STATE".

(A) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(B) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

"CLARIFICATION OF WORD USAGE". "Shall" is mandatory; "may" is permissible.

"WASTEWATER TYPES AND APPURTENANCES".

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive sewer, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by other.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewer within or outside the City boundaries that serve **one (1)** or more persons and ultimately discharge into the City sanitary sewer or combined sewer system, even though those sewers may not have been constructed with City funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

(H) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(I) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewer.

"TREATMENT":

(A) **"Pretreatment"** shall mean the treatment of sewer from sources before introduction into the sewer treatment works.

(B) **"Sewer Treatment Works"** shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer treatment plant" or "pollution control plant".

"TYPES OF CHARGES":

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Sewer Service Charge"** shall be the charge per quarter or month levied on all users of the Sewer Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

"USER TYPES":

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the City representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

"WATERCOURSE AND CONNECTIONS":

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"WASTEWATER AND ITS CHARACTERISTICS":

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated, and the sewer does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean any non-governmental user of the publicly owned treatment works that:

(1) Has a flow of 50,000 gallons or more per average workday; or

(2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or

(3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or

(4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/1) shall mean a unit of the concentration of water or sewer constituent. It is 0.001 gram of the constituent in 1,000 milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and sewer analysis.

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) **"ppm"** shall mean parts per million by weight.

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than **one (1/2) half inch (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "sewer".

(M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

(N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

(O) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and sewer treatment facilities provided.

(P) **"Sewer"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

(Q) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

38-4-2 - 38-4-3 RESERVED.

DIVISION II - USE OF PUBLIC WASTEWATERS REQUIRED

38-4-4 DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

38-4-5 SEWAGE IN NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

38-4-6 PRIVATE SYSTEM, UNLAWFUL. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-4-7 CONNECTION TO SYSTEM REQUIRED. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such

facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

(Ord. No. 222; 05-14-90)

38-4-8 - 38-4-9 RESERVED.

DIVISION III - PRIVATE SEWAGE DISPOSAL

38-4-10 PRIVATE SEWAGE SYSTEM. Where a public sanitary sewer is not available under the provisions of **Section 38-4-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-4-11 HEALTH DEPARTMENT APPROVAL. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the City **(reference Appendix #3)** which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **Fifty Dollars ($50.00)** shall be paid to the City at the time the application is filed.

38-4-12 PERMIT APPROVAL. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **forty-eight (48) hours** of the receipt of written notice by the Superintendent.

38-4-13 COMPLIANCE WITH STATE REQUIREMENTS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **twenty thousand (20,000) square feet.** No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-4-14 AVAILABILITY OF PUBLIC WASTEWATER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-4-7**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-4-15 OPERATION OF PRIVATE SYSTEM. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

38-4-16 ADDITIONAL RESTRICTIONS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

38-4-17 RESPONSIBILITIES OF THE OWNER. The owner shall maintain a private sewage disposal system in a sanitary manner at all times and at no expense to the City. The City shall have the option of notifying in writing, the property owner or customer of sewer line repairs that need to be made on their property. Upon failure to make proper repairs within **ten (10) days**, the water service shall be disconnected. It shall be the duty of the Superintendent to shut off or have shut off, the water service to the property until the proper repairs have been made.

38-4-18 - 38-4-20 RESERVED.

DIVISION IV - BUILDING WASTEWATER AND CONNECTIONS

38-4-21 DISTURBING SYSTEM UNLAWFUL. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-4-22 COMPLIANCE WITH REGULATING AUTHORITIES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-4-23 CLASSES OF PERMITS.

(A) There shall be **two (2)** classes of building sewer permits as follows:

(1) for residential wastewater service, and wastewater service for domestic-type sanitary convenience to commercial, institutional/ governmental buildings, and

(2) industrial wastewater service.

(B) In either case, the owner or his agent shall make applications on a special form furnished by the City. **(Reference Appendix #4)**

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A tap-on and permit fee of **One Hundred Dollars ($100.00)** and an inspection fee of **One Hundred Dollars ($100.00)** for a residential or commercial building, institutional/governmental or industrial building sewer permit shall be paid to the City at the time the application is filed. The industry, as a condition of permit authorization, shall provide information describing its wastewater constituents, characteristics and type of activity. If required either by the Superintendent or statutory regulations, the industry shall obtain an EPA permit for the connection to the public sewer. **(Ord. No. 401-05; 06-27-05)**

38-4-24 COST BORNE BY OWNER. All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-4-25 SEPARATE WASTEWATER: EXCEPTION. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

38-4-26 OLD BUILDING WASTEWATER. Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

38-4-27 CONSTRUCTION METHODS. The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches.** If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch or five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewers shall be constructed of materials approved by the City. Generally, all building sewer shall be constructed of the following materials:

(A) Ductile iron pipe

(B) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gastight and watertight and are subject to the approval of the City. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

38-4-28 PLUMBING CODE REQUIREMENTS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

38-4-29 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No basement, half basement or any other portion of a building having a floor elevation beneath the ground surface over the public sewer at the point of connection may be connected into the public sewer by gravity. In areas where the ground line over the public sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be **forty-two (42) inches** below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the public sewer, all sewage carried by such drain shall be lifted by mechanical means. No water operated sewage injector shall be used. **(Ord. No. 620-17; 09-25-17)**

38-4-30 PROHIBITED CONNECTIONS. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-4-31 CONNECTIONS TO WASTEWATER MAINS. Building Sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of **one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the City before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

On Site Inspection. After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Superintendent, or his authorized representative. After approval is granted, the contractor shall encase the work area as specified herein.

Backfill. To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewer crossing any street, or traveled alley shall be backfilled with CA-86 backfill material.

Concrete Encasement. When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1' 6")** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-4-32 CAPACITY OF WASTEWATER. A building sewer permit will only be issued, and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer facilities, including sewer, pump stations and sewer treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-4-33 TAP-IN SUPERVISION AND TESTING. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

At any time after the installation of the building sewer, the City may test the building sewer for violation of this Code.

38-4-34 INSPECTION. After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet City 's requirements.

38-4-35 PUBLIC WASTEWATER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

38-4-36 PROTECTION OF PROPERTY. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-4-37 BOND REQUIRED. If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

Any experienced sewer builder or drain layer may furnish to the City a continuing surety bond in the sum of **Five Thousand Dollars ($5,000.00)** to apply to all building sewer permits issued to such builder or to the principals thereof for a term of **one (1) year** from the date thereof subject to renewal from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

Homeowners wishing to install their own building services are not required to post a bond. Any person performing building sewer work for hire shall post the bond.

38-4-38 UNLAWFUL DISCHARGES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-4-39 CAPPING CONNECTIONS DURING DEMOLITION. Old building sewers may be used in connection with new buildings only when they are found on examination to meet all requirements of this Chapter. If a sewer line is abandoned by the property owner, the City requires the old sewer to be disconnected and capped at the point of attachment with the main to the sanitary sewer system. The cap must be approved and inspected by the Sewer Department Supervisor prior to the backfilling.

The Sewer Department Commissioner upon advisement of the Sewer Department Supervisor shall have the authority to grant an adapted method of capping, when the regulation is found to be, unfeasible or intrusive. The adapted method shall be noted on the demolition permit prior to completion.

(Ord. No. 564-14; 11-10-14)

38-4-40 - 38-4-41 RESERVED.

DIVISION V - EXTENSION OF COLLECTING WASTEWATERS

38-4-42 PERMIT REQUIRED; AUTHORIZED PERSONNEL. No person, other than an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City. **(See Appendix #2)**

38-4-43 EXTENSION PERMITS. Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the City, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial and resubmit it to the City for further consideration.

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewer not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

38-4-44 MATERIALS. All sewer extensions shall be constructed of the following materials:

(A) Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:

(1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.

(2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.

(B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and

(1) of comparable material to the sewer main for VCP and PVC pipe.

(2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-4-45 INSPECTIONS OF CONSTRUCTION. Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service

connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

(A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.

(B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;

(C) Under special circumstances, when approved by the City, air pressure testing with allowance to be specified by the City.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the City 's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the City. **(See Appendix #5)**

38-4-46 MANHOLES REQUIRED. Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-4-47 - 38-4-48 RESERVED.

DIVISION VI - USE OF PUBLIC WASTEWATER FACILITIES

38-4-49 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-4-50 STORM WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

38-4-51 REGULATIONS OF WASTES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-4-52 HARMFUL EFFECTS OF CERTAIN MATERIALS. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C).**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (O and 65°C).**

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the City.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the City as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hq** at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:

(1) unusual concentrations or inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. **(See Appendix #7)**

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the City in compliance with applicable State and Federal regulations.

38-4-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in **Section 38-4-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) reject the wastes;

(2) require pretreatment to an acceptable condition for discharge; and/or;

(3) require control over the quantities and rates for discharge; and/or;

(4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-4-42.**

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the City shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all sewers be discharged through a single control manhole or structure with appurtenances described herein.

38-4-54 FLOW-EQUALIZING FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-4-55 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

38-4-56 INDUSTRIAL WASTE TESTING.

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the sewer discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-4-57 MEASUREMENTS AND TESTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods,** and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-4-58 SPECIAL ARRANGEMENTS. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division I of this Code)**

38-4-59 - 38-4-64 RESERVED.

DIVISION VII - GREASE INTERCEPTORS AND TRAP CODE

38-4-65 SCOPE AND PURPOSE. The scope and purpose of this Article is to aid in the prevention of *sanitary sewer* blockages and obstructions from contributions and accumulations of fats, oils, greases and other substances into the sanitary sewer system from industrial or commercial establishments or other users, particularly food preparation and serving facilities, as the discharge of fats, oils, greases and other substances into the sanitary sewer system interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the sewer treatment plant.

38-4-66 DEFINITIONS. For the purposes of this Article, the following words and terms shall have the meanings prescribed:

(A) ***"Existing Structures":*** Any structure constructed prior to **March 30, 2005,** for which no structural renovation or addition has been made subsequent to **March 30, 2005**.

(B) ***"Food Waste Grinder or Disposal":*** A device which shreds or grinds up solid or semi-solid waste materials into smaller portions.

(C) ***"Grease":*** *Organic* polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.

(D) ***"Grease Interceptor":*** An interceptor whose rated flow exceeds **fifty-five (55) gallons** per minute and is located outside the building.

(E) ***"Grease Trap":*** An interceptor whose rated flow is not less than **twenty (20) gallons** per minute nor more than **fifty-five (55) gallons** per minute and is typically located inside the building.

(F) ***"Interceptor":*** A *device* designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or waste to discharge in to the drainage system by gravity.

(G) ***"User":*** Any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the sanitary sewer, including persons who contribute such wastewater from mobile sources such as those who discharge hauled wastewater. For purposes of this Article only, user does not include an owner or occupant of a single family or multi-family dwelling used solely for residential use unless said dwelling experiences a grease or similar blockage or problem within its service line or within an adjoining sewer main more than twice during any **twelve (12) month** period.

(H) ***"Waste Hauler":*** An entity which transfers wastes from the site of a user to an approved site for disposal or treatment. The waste hauler, in addition to the user, is responsible for insuring that all federal, state and local regulations are followed regarding waste transport and disposal.

(I) ***"Prohibited Concentration":*** Discharges of wastewater from a grease trap in the City shall not exceed **100 mg/L** (total) of fats, oils and grease in and sample, whether obtained as a composite or grab sample.

38-4-67 GENERAL PROVISIONS.

(A) **Prohibition on Introduction of Enzymes and Emulsifiers.** No person shall introduce, nor allow the introduction of physical, chemical, or biological agents into grease interceptors and/or traps for the purpose of resuspending, dissolving, emulsifying, or rendering soluble any fats, oils, or grease removed from a wastewater by such grease interceptors and/or traps and reintroducing them into the City sewer system. Unless specifically approved by the City, product literature and bench or pilot studies may be required prior to discharge to the waste stream. These studies will be done at the owner's or manufacturer's expense.

(B) **Grease Interceptor Requirements.**

(1) All sewer users constructing or operating a facility within the City, which will be used for the manufacture, processing, or preparation of food or food products, including but not limited to all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, churches, caterers, bakery, butcher shops, and meat or food processors or other facilities which will be used for the manufacture, who discharge fats, oils or greases shall install, maintain and properly operate a grease interceptor including a sampling point adequate to prevent a discharge of fats, oils and grease to City sewers in prohibited concentrations. Any such facility in operation without such a grease interceptor on the date of enactment of this Article shall be required to install and use such a grease interceptor within **twelve (12) months** of enactment. Said grease interceptor shall be sized and installed according to the Illinois Plumbing Code, Section 890.510.

(2) A grease trap must have a flow restrictor which is fully operational and the grease trap must be fully functional and operating at all times.

(3) All facilities subject to the provisions of this Article, shall implement and strictly comply with the "Best Management Practices" hereinafter set forth.

(4) No grease interceptor or trap shall receive the discharge from a dishwashing machine except as hereinafter provided. No dishwasher shall be discharged *into any* grease trap nor into any grease interceptor less than **one thousand five hundred (1,500) gallons** in size. In addition, no dishwasher shall be discharged into any grease interceptor **one thousand five hundred (1,500) gallons** or larger, except as may be provided by the State of Illinois Plumbing Code, provided, however, that not withstanding any other language herein a dishwasher may be discharged into any grease interceptor **one thousand five hundred (1,500) gallons** or

larger if said grease interceptor shall be separate and apart from all other grease interceptors required by this Article and shall serve and receive discharge only from the dishwasher and no other source. All new construction beginning on the effective date of this Article shall be required to install, and provide a separate grease interceptor as provided herein for all dishwashers and, in addition, any user having a dishwasher which experiences a grease or similar blockage or problem within its service line or within an adjoining sewer main shall be required to install and provide a separate grease interceptor as provided herein for all dishwashers.

(5) Each grease interceptor or trap shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease.

(6) No water or wastewater in excess of **one hundred forty (140) degrees Fahrenheit** shall be discharged into any grease trap or interceptor; no discharge effluent shall be greater than **eighty-five (85) degrees Fahrenheit**.

(7) No non-grease laden source shall be connected to any interceptor or trap to any line intended for grease interceptor service.

(C) **Variance.** Grease interceptors required under this Article shall be installed unless the City authorizes the installation of a grease trap or other alternative pre-treatment technology after determination that the installation of a grease interceptor is not feasible. The user bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The City may authorize the installation of a grease trap where the installation of a grease interceptor is not possible due to physical barriers, physical constraints, space constraints or other considerations not within control of user and not subject to feasible correction or remedy.

No variance shall be granted to any new construction. Each user granted a variance shall implement and comply with "Best Management Practices" to the extent that same are applicable to user's activities. Variances are not to be liberally granted.

The variance shall be rendered null and void in the event of the transfer of ownership of the user's establishment or any change in the methods of operation by user. Failure to strictly implement and comply with "Best Management Practices" shall also render a variance null and void.

(D) **Best Management Practices.** All facilities subject to the provisions of this Article and any user who utilizes a grease interceptor or who receives a variance shall implement and strictly comply with the following management practices:

(1) All kitchen staff shall be trained in management practices and methods to reduce the volume of grease discharged into the sanitary sewer system. No foods, fats, cooking oil or grease shall be emptied or placed into any sink drain, floor drain, dishwasher or other drain. All food wastes, food scraps and food scrapes shall be disposed of as solid waste in a trash can or dumpster.

(2) All cooking oils shall be discarded into containers for recycling and shall be disposed of by a recycling facility; receipts and records evidencing such disposal shall be maintained for **three (3) years** by the facility and made available to the City upon request.

(3) Oil and grease recycling containers shall be placed in a location convenient for the employees or agents of the user to place the oil into the container.

(4) "No Grease" signs shall be posted above each sink, on dishwashers, over each drain, and near all other potential grease discharge points.

(5) All foods, fats, cooking oil and grease remaining in pots and pans shall be dry-wiped and scraped out into the trash container or dumpster.

(6) No food waste disposal or grinder shall be utilized. All food scrapes and food wastes shall be disposed of as solid waste in a trash container or dumpster.

38-4-68 REQUIRED MAINTENANCE OF GREASE INTERCEPTORS AND TRAPS.

(A) Each user who owns or operates a grease interceptor or trap as required by **Section 38-4-67** of this Article shall cause collected or trapped fats, oils and grease to be cleaned and removed from such device on a regular basis, and delivered to a facility authorized to use, treat, or dispose of such material in accordance with the Illinois Environmental Protection Agency (IEPA) and the Illinois Department of Public Health. Such cleanout and removal shall be accomplished on a frequency to maintain compliance with this Article but not less than twice per year.

(B) If the grease level is at its maximum, the grease interceptor or trap shall be immediately cleaned or discharged into same shall be prohibited. If any grease interceptor or trap is determined to be at its maximum upon inspection, then cleaning frequencies shall be increased. A grease trap or interceptor is recommended to be cleaned when the grease layer and solids combined measure **thirty percent (30%)** of the depth of the grease interceptor or trap.

(C) The on-duty manager of user must witness all cleaning of grease interceptors to ensure that the cleaning is performed completely and properly. To properly clean a grease interceptor the entire contents must be removed, including grease layer cap (floating grease) and sludge pocket (settled solids); failure to remove the sludge pocket (settled solids) from the bottom will result in lower capacity and reduced detention.

(D) Grease Interceptors shall be inspected at least once each week and grease traps shall be inspected at least once each day. In addition to the above requirements, a grease trap shall be serviced and emptied within **twenty-four (24) hours** of a written notice from the City to clean same and a grease interceptor shall be serviced and emptied within **forty-eight (48) hours** of a written notice from the City to clean same.

(E) A maintenance record in the form (Grease Interceptor/Trap Maintenance Record Verification Form) designated within **Appendix "A"** to this Article shall be maintained by the user indicating maintenance and cleaning of grease interceptors and traps. The maintenance record shall be filed with the City on a regular and recurring basis not less often than quarterly. The record shall indicate:

(1) Each date and time of inspection, cleaning or maintenance;
(2) Name of person performing inspection, cleaning or maintenance;
(3) Name of person witnessing inspection, cleaning or maintenance;
(4) Estimated volume of grease removed;
(5) Method of grease disposal;
(6) Verification signed by owner or manager of user.

(F) **Right of Entry and Inspection.** The City Inspector or his authorized designees shall have such right of entry and inspection as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing to determine compliance with this Article.

38-4-69 PROHIBITION ON DISCHARGE OF FATS, OILS AND GREASE.

(A) No user shall discharge a prohibited concentration of fats, oils or grease into City sewers, from a facility required to install and use a grease interceptor or trap.

(B) No user shall reintroduce or deposit into the City sewers any fats, oils or grease which have been removed from the sewer system by grease interceptor or trap.

(C) No user shall deposit or discharge into the City sewers any fats, oils or grease which have been removed from a grease interceptor/grease trap or sewer system outside the City.

38-4-70 REQUIREMENTS FOR GREASE HAULERS.

(A) No person may cause or allow the transportation of fats, oils, or grease away from a grease interceptor at which such materials were collected unless such materials are accompanied by a shipping paper containing information prescribed in paragraph (B). No specific form of shipping paper is required, unless the City prescribes and publishes public notice of the requirement of a specific form.

(B) Each shipping paper shall contain at a minimum the following information:

(1) The name and telephone umber of the owner and operator of the grease interceptor and/or grease trap from which the fats, oils, or grease were collected, the street address of the grease interceptor/trap, an acknowledgment that an authorized representative of the owner or operator witnessed the grease interceptor/trap being cleaned or that the user inspected the interceptor/trap afterward to insure that the interceptor/trap was cleaned properly the volume of fats, oils, and grease and any associated water removed, the legible signature of an authorized representative of the owner or operator and the date of the materials removal; and,

(2) The name, address, telephone number of the transporter, an acknowledgement of receipt of the collected materials, the legible signature of an authorized representative of transporter, and the date of collection; and

(3) The name, street address, and telephone number of the facility to which the material was delivered for use, treatment, or disposal, the date and the time of delivery, the volume delivered, and the legible signature of an authorized representative of the receiver verifying the delivery.

(C) The grease interceptor/grease trap owner or operator shall retain a copy of the shipping document for a minimum of **two (2) years** and shall produce the documents to the City within **thirty (30) days** of each cleaning to the address below.

City of Altamont
C/o Mayor's Office
202 North Second
Altamont, IL 62411

38-4-71 PENALTIES FOR VIOLATION.

(A) The City may suspend water and sewer service when such suspension is necessary in the opinion of the City, in order to stop an actual or threatened discharge which may:

(1) present an imminent or substantial endangerment to the health or welfare of persons or to the environment;

(2) cause stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;

(3) cause interference to the City's sewer treatment facility; or

(4) cause the City to violate any condition of its NPDES permit.

If reasonably possible after consideration of the circumstances, a user shall be notified of the City's intent to suspend water and sewer prior to such suspension. Any person notified of a suspension of water and sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate termination of water and/or sewer service to the user. The City shall reinstate the water and/or sewer service only when such conditions causing the suspension have passed or have been eliminated. A detailed written statement submitted to the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the City within **fifteen (15) days** of the date of the occurrence.

(B) Except where the provisions of this Article relating to suspension of services is applicable, the City shall serve upon any user alleged to be in violation of this Article a written notice stating the nature of the violation. Violations will be processed in the following manner.

(1) Owners/operators will be required to resample at no cost to the City within **thirty (30) days**.

(2) Within **five (5) days** of the date of notice the user shall correct the violation or if the violating cannot reasonably be corrected within said **five (5) day** period then within said **five (5) day** period the user shall submit a plan for the satisfactory correction of the violation to the City Inspection Department.

(3) **Repeat Violations.** Repeated violation being defined as **two (2)** violations of ay provision of this Article as determined by the City during any **twelve (12) month** period. Repeat violations will be placed on a compliance schedule as follows:

Within **thirty (30) days** of written notification: Investigate and identify problem(s), prepare and submit a written report as to how the problem will be resolved.

Within **sixty (60) days** of written notification: Complete construction or implement solution.

Within **ninety (90) days** of written notification: Be in compliance or penalties will be assessed.

One hundred twenty (120) days after written notification, if the problem is not corrected, the City will disconnect water and sewer to violating facility.

(C) Any person violating **Sections 38-5-93(B)**, **38-5-95(B)** or **38-5-95(C)** shall be liable to a civil penalty of not less than **Three Thousand Dollars ($3,000.00)** nor more than **Eight Thousand Dollars ($8,000.00)** for each violation. Each day the violation continues shall be a separate offense. **(Ord. No. 633-18; 02-19-18)**

(D) Any person violating **Sections 38-5-94**, **38-5-93(A)**, or **38-5-96(C)** shall be liable to a civil penalty of not less than **Five Hundred Dollars ($500.00)** nor more than **One Thousand Dollars ($1,000.00)** for each violation. Each day the violation continues shall be a separate offense. **(Ord. No. 633-18; 02-19-18)**

(E) Any person violating **Sections 38-5-95(A)**, **38-5-96(A)**, or **38-5-96(B)** shall be liable to a civil penalty of not less than **Two Hundred Fifty Dollars ($250.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each violation. Each day the violation continues shall be a separate offense. **(Ord. No. 633-18; 02-19-18)**

(F) **Recovery of Costs.** If the City is required to clean out or replace the public sewer line or repair or replace any pump or other equipment of the public sewer as a result of stoppage resulting from poorly maintained or operating grease interceptor or grease trap or lack thereof or because of a violation of this Article, the user shall be required to refund to the City the labor, equipment, materials, or overhead costs incurred by the City. Said costs shall be added to the user's next scheduled sewer service charge and shall be subject to collection in the same manner as all other charges for sewer service. Nothing in this Section shall be construed to prohibit or restrict any other remedy the City has under this Article or State or federal law.

(Ord. No. 398-05; 04-25-05)

DIVISION VIII - INSPECTIONS

38-4-72 DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-4-73 INSPECTION AND TESTING.

(A) The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterway or facilities for waste treatment. **(See Appendix #5)**

38-4-74 LIABILITY OF CITY. While performing the necessary work on private properties referred to in **Section 38-4-73** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-4-56.**

38-4-75 PRIVATE PROPERTY INSPECTIONS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-4-76 - 38-4-77 RESERVED.

DIVISION IX – SEWER RATES

38-4-78 BUILDING UNIT DEFINED. All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-4-79 SEWER REVENUES. All revenues and moneys derived from the operation of the sewer system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

The Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the City".

The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-4-80 SEWER ACCOUNTS. The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewer facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(A) Flow data showing total gallons received at the sewer plant for the current fiscal year.

(B) Billing data to show total number of gallons billed.

(C) Debt service for the next succeeding fiscal year.

(D) Number of users connected to the system.

(E) Number of non-metered users.

(F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-81 NOTICE OF RATES. A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

38-4-82 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant or loan.

38-4-83 APPEALS. The method for computation of rates and service charges established for user charges shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-4-84 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

The **debt service charge** is computed by dividing the annual debt service of all outstanding Sewerage Bonds by the number of users. Through further divisions, the monthly debt service charges can be computed.

The **basic user charge** shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

(A) A **five (5) day twenty-degree centigrade (20°C)** biochemical oxygen demand **(BOD)** of **two hundred forty (240) mg/1.**

(B) A suspended solids (SS) content of **two hundred eighty-nine (289) mg/l**.

It shall consist of operation and maintenance costs plus replacement, and debt retirement, and shall be computed as follows:

(A) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

(B) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all work categories.

(C) Proportion the estimated operation, maintenance and replacement costs to each user class by volume, BOD, and SS.

(D) Proportion the estimated operation, maintenance and replacement costs to wastewater facility categories by Flow Volume, Suspended Solids and BOD.

(E) Compute costs per **one hundred (100) gallons** for normal sewage strength.

(F) Compute surcharge costs per pound per **one hundred (100) gallons** in excess of normal sewage strength for BOD and SS.

A **surcharge** will be levied to all users whose waters exceed the normal domestic concentrations of **BOD (240) mg/l and SS (289) mg/**l. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the **240 mg/l and 289 mg/l** concentration for BOD and SS respectively. **(Section 38-4-89** specifies the procedure to compute a surcharge.)

The **adequacy of the wastewater service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit report. Any percentage change (increase or decrease) in the local capital costs or a change in operation and maintenance costs including replacement costs based on the latest fiscal year audit, which are passed directly to all utility bills shall be determined by the City Council. **(Ord. No. 433-08; 01-28-08)**

The **users** of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to the wastewater treatment operation, maintenance and replacement. **(Ord. No. 433-08; 01-28-08)**

38-4-85 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons**.

(A) If the person discharging wastes into the public sewer procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person or company occupying the building served at no cost to the City. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent.

38-4-86 DEBT SERVICE CHARGE. A debt service charge of **Twenty-Two Dollars Seventy-One Cents ($22.71)** per month to each user of the wastewater facility of the City is hereby established. **(Ord. No. 549-13; 12-09-13)**

38-4-87 BASIC USER RATE. There shall be and there is hereby established a schedule increase to the minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the City. The minimum charge shall increase in January of each year as scheduled and shall be applied to all users whose water consumption does not exceed **one thousand (1,000) gallons** per month. The following rates are hereby imposed:

(A) Minimum monthly rate per customer $52.02

A basic user rate of **Sixty-Six Cents ($0.66)** per **one hundred (100) gallons** shall be applied to all users for water consumption in excess of **one thousand (1,000) gallons** per month.

All non-metered residential users of the wastewater facilities shall pay a minimum rate charge per month adequate to cover the costs of the minimum accrual capital cost charge, the minimum service charge and the basic user rate of **Sixty-Six Cents ($0.66)** per **one hundred (100) gallons**. The flat rate charge will allow a maximum of **six thousand (6,000) gallons** per month and is hereby established to increase January of each year as scheduled and is hereby imposed as follows:

(A)	Minimum Monthly Rate per customer	$39.60
(B)	Plus Debt Service Charge assessed under 38-4-33	$22.71
	TOTAL	$62.31

In the event use of the wastewater facilities by a non-metered residential user is determined by the Superintendent to be in excess of **six thousand (6,000) gallons** per month, the Superintendent may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.
(Ord. No. 549-13; 12-09-13)

38-4-88 SURCHARGE RATE. The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD:	$0.25
per lb. of SS:	$0.21

38-4-89 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

38-4-90 COMPUTATION OF WASTEWATER SERVICE CHARGE. The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu-X)CU + CS$$

Where CW = Amount of waste service charge ($) per bill period.
CD = Debt Service Charge.
CM = Minimum Charge for Operation, Maintenance and Replacement.
Vu = Wastewater Volume for the billing period.
X = Allowable consumption in gallons for the minimum charge.
CU = Basic User Rate for Operation, Maintenance and Replacement.
CS = Surcharge, if applicable. **(Section 38-4-84)**

38-4-91 – 38-4-94 RESERVED.

DIVISION X - PENALTIES

38-4-95 PENALTY. Any person found to be violating any provision of this Code except **Section 38-4-72** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The City may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

38-4-96 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the time limit provided for in **Section 38-4-95** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars ($750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-4-97 LIABILITY TO CITY. Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

APPENDIX #1

CITY OF ALTAMONT

APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____ _____, hereby makes application for connection to the Water System of the City for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or enacted and passed from time to time providing for the regulation of service furnished by the City, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: $ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____ _____

_____
(STREET NUMBER AND NAME OF STREET)

_____
(CITY, STATE AND ZIP CODE)

_____
(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(
(_____
(NAME)
(_____
(STREET NUMBER AND NAME OF STREET)
(
(_____
(CITY, STATE AND ZIP CODE)

APPENDIX #2

CITY OF ALTAMONT

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **City of Altamont, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of $_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

(A) The lowest responsible bid $_____.
(B) Engineering and Inspection Charge $_____.
(C) TOTAL: $_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

UTILITY DEPARTMENT
CITY OF ALTAMONT

BY: _____
PUBLIC WORKS DIRECTOR

ATTEST:

_____
CITY CLERK

_____
DEPOSITOR

WITNESSES:

_____
_____

APPENDIX #3

CITY OF ALTAMONT

PRIVATE WASTE DISPOSAL APPLICATION
(SEPTIC TANK ETC.)

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to install
(Number) (Street)
sanitary sewage disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [_____] square feet or [_____] square meters.
3. The name and address of the person or firm who will perform the work is _____
_____
4. The maximum number of persons to be served by the proposed facilities is _____
5. The location and nature of all sources of private or public water supply within **one hundred (100) feet [30.5 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the City.
2. To accept and abide by all provisions of the **Revised Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the City and at no expense to the City.
4. To notify the City **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, 20_____ SIGNED: _____
(APPLICANT)

_____
(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

$_____ (Inspection Fee Paid) DATE: _____, 20____

$_____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20_____ SIGNED: _____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

CITY OF ALTAMONT

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to install and
(Number) (Street)
connect a building sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

NUMBER	FIXTURE	NUMBER	FIXTURE
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of the person or firm who will perform the proposed work is _____
_____
4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A".**

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the **Revised Code,** and of all other pertinent ordinances and codes that may be adopted in the future.
2. To maintain the building sewer at no expense to the City.
3. To notify the City when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, 20_____ SIGNED: _____
(APPLICANT)

_____
(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

$_____ (Inspection Fee Paid) DATE: _____, 20____

$_____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20_ SIGNED:_____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

CITY OF ALTAMONT

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to _____
(Number) (Street) (install, use)
an industrial sewer connection serving the _____. which company is engaged in _____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A".**
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B".**
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C".**
4. The name and address of the person or firm who will perform the work covered by this permit is ___ _____

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the City.
2. To accept and abide by all provisions of the **Revised Code,** and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the City.
4. To cooperate at all times with the City and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the City immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____, 20_____ SIGNED: _____
(APPLICANT)

_____
(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

$_____ (Inspection Fee Paid) DATE: _____, 20____

$_____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20_____ SIGNED:_____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

CITY OF ALTAMONT

APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____ _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the City. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: $ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

_____ (APPLICANT'S SIGNATURE)

_____ (OWNER'S SIGNATURE, IF NOT APPLICANT)

_____

_____ (STREET NUMBER AND NAME OF STREET)

_____ (CITY, STATE AND ZIP CODE)

_____ (TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(
(_____ (NAME)
(_____ (STREET NUMBER AND NAME OF STREET)
(
(_____ (CITY, STATE AND ZIP CODE)

APPENDIX #4

CITY OF ALTAMONT

R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the City is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **City.**

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.

2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.

3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

DATE: _____

ADDRESS: _____

OWNER(S): _____

_____

CITY OF ALTAMONT
COUNTY OF EFFINGHAM

APPENDIX #5

CITY OF ALTAMONT

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the City Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this City.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

_____ Single-Family Residence
_____ Multiple dwelling or trailer court
_____ Commercial
_____ Industrial
_____ Institutional
_____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, 20_____.

CITY OF ALTAMONT
COUNTY OF EFFINGHAM

SIGNED: _____

APPENDIX #6

CITY OF ALTAMONT

UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: _____

ADDRESS: _____

TOTAL AMOUNT OF BILL: $_____ WATER

$_____ SEWER

$_____ ELECTRIC

$_____ GARBAGE

$_____ OTHER

SUB-TOTAL: $_____

PENALTY: $_____

TOTAL DUE: $_____

DATE OF HEARING _____

TIME OF HEARING_____

LOCATION OF HEARING _____

_____

PHONE: _____

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and City Clerk, or their designated representative(s), shall preside at the hearing.

_____

CITY CLERK

DATED THIS _____ DAY OF_____, 20_____.

NOTE: After services have been shut off there will be a reconnection fee of $_____.

APPENDIX #7

CITY OF ALTAMONT

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

Waste or Chemical	Concentration mg/l
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

CHAPTER 40 - ZONING CODE

ARTICLE		TITLE	PAGE
I	GENERAL PROVISIONS		
	Section 40-1-1	- Title	40-1
	Section 40-1-2	- Purpose	40-1
	Section 40-1-3	- Jurisdiction	40-1
	Section 40-1-4	- Interpretation	40-1
	Section 40-1-5	- Disclaimer of Liability	40-1
	Section 40-1-6	- Severability	40-2
	Section 40-1-7	- Review	40-2
II	DEFINITIONS		
	Section 40-2-1	- Construction of Terms	40-3
	Section 40-2-2	- Selected Definitions	40-3
III	ZONING REGULATIONS		
	Division I – General Regulations		
	Section 40-3-1	- Establishment of Districts	40-16
	Section 40-3-2	- Map – Annual Publication	40-16
	Section 40-3-3	- Determining Territorial Limits	40-16
	Section 40-3-4	- Annexed Territory	40-17
	Section 40-3-5	- General Prohibition	40-17
	Section 40-3-6	- Unlisted Uses Prohibited	40-17
	Section 40-3-7	- Temporary Uses	40-17
	Section 40-3-8	- Meeting Minimum Requirements	40-17
	Section 40-3-9	- Access Required	40-17
	Section 40-3-10	- Front Setbacks - Corner/Through Lots	40-18
	Section 40-3-11	- Front Setbacks in Certain Built-Up Areas	40-18
	Section 40-3-12	- Yard Intrusions	40-18
	Section 40-3-13	- Height - Exceptions	40-18
	Section 40-3-14	- Sewer and Septic Tanks	40-18
	Section 40-3-15	- Accessory Uses - Permitted	40-19
	Section 40-3-16	- Accessory Use Restrictions	40-19
	Section 40-3-17	- Area Bulk Regulations	40-19
	Section 40-3-18	- 40-3-19 Reserved	
	Division II - Planned Developments		
	Section 40-3-20	- Planned Development Defined	40-19
	Section 40-3-21	- Objectives	40-20
	Section 40-3-22	- Compliance with Regulations Generally Required	40-20
	Section 40-3-23	- Districts Where Allowed	40-20
	Section 40-3-24	- Permissible Deviation From Code Requirements	40-20
	Section 40-3-25	- Procedures for Planned Developments	40-20
	Section 40-3-26	- Application; Information Required	40-21
	Section 40-3-26.1	- Written Documents	40-21
	Section 40-3-26.2	- Graphic Materials	40-21
	Section 40-3-27	- Criteria Considered	40-22
	Section 40-3-28	- Decision by Board of Appeals	40-22
	Section 40-3-29	- Changes in Approved Plans	40-22
	Section 40-3-30	- Failure to Begin Development	40-22
	Section 40-3-31	- Municipal Exemption	40-22

ARTICLE		TITLE	PAGE
IV		REGULATIONS FOR SPECIFIC DISTRICTS	
		Division I – Agricultural District (A-1)	
	Section 40-4-1	- "A-1" - Agricultural District	40-23
	Section 40-4-2	- Special Restrictions	40-23
	Section 40-4-3	- Lot and Building Requirements	40-23
	Section 40-4-4	- Permitted Uses	40-23
	Section 40-4-5	- Special Uses	40-24
	Section 40-4-6	- Reserved	
		Division II - Single-Family Districts	
	Section 40-4-7	- "SR-1" - Single-Family Residence District (Large Lot)	40-25
	Section 40-4-8	- Special Restrictions	40-25
	Section 40-4-9	- Lot and Building Requirements	40-25
	Section 40-4-10	- Permitted Uses	40-25
	Section 40-4-11	- Special Uses	40-25
	Section 40-4-12	- 40-4-15 Reserved	
		Division III – Single-Family District (SR-2)	
	Section 40-4-16	- "SR-2" - Single-Family District (Small Lot)	40-26
	Section 40-4-17	- Special Restrictions	40-26
	Section 40-4-18	- Lot and Building Requirements	40-26
	Section 40-4-19	- Permitted Uses	40-26
	Section 40-4-20	- Special Uses	40-26
	Section 40-4-21	- 40-4-30 Reserved	
		Division IV - Multiple-Family Districts (MR-1)	
	Section 40-4-31	- "MR-1" - Multiple-Family Residence District	40-27
	Section 40-4-32	- Lot and Building Requirements	40-27
	Section 40-4-33	- Permitted Uses	40-27
	Section 40-4-34	- Special Uses	40-27
	Section 40-4-35	- 40-4-36 Reserved	
		Division V – Multiple-Family Districts (MR-2)	
	Section 40-4-37	- "MR-2" – Multiple-Family Residence District	40-28
	Section 40-4-38	- Lot and Building Requirements	40-28
	Section 40-4-39	- Permitted Uses	40-28
	Section 40-4-40	- Special Uses	40-28
	Section 40-4-41	- 40-4-45 Reserved	
		Division VI - Mobile Housing District (MH-1)	
	Section 40-4-46	- "MH-1" - Mobile Housing District	40-29
	Section 40-4-47	- Mobile Housing Lot Ownership	40-29
	Section 40-4-48	- Lot and Building Requirements, Generally	40-29
	Section 40-4-49	- Permitted Uses	40-29
	Section 40-4-50	- Special Uses	40-29
	Section 40-4-51	- Mobile Home Parks	40-30
	Section 40-4-52	- 40-4-55 Reserved	
		Division VII – Neighborhood Business District (B-1)	
	Section 40-4-56	- Description	40-30
	Section 40-4-57	- Special Restrictions	40-30
	Section 40-4-58	- Lot and Building Requirements	40-31
	Section 40-4-59	- Permitted Uses	40-31
	Section 40-4-60	- Special Uses	40-31
	Section 40-4-61	- 40-4-62 Reserved	

ARTICLE		TITLE	PAGE
IV		REGULATIONS FOR SPECIFIC DISTRICTS (CONTINUED)	
		Division VIII – Central Business District (B-2)	
	Section 40-4-63	- Description	40-31
	Section 40-4-64	- Use Restrictions	40-32
	Section 40-4-65	- Lot and Building Requirements	40-32
	Section 40-4-66	- Permitted Uses	40-32
	Section 40-4-67	- Special Uses	40-32
	Section 40-4-68	- 40-4-69 Reserved	
		Division IX – Highway Business District (B-3)	
	Section 40-4-70	- Description	40-33
	Section 40-4-71	- Use Restrictions	40-33
	Section 40-4-72	- Lot and Building Requirements	40-33
	Section 40-4-73	- Permitted Uses	40-33
	Section 40-4-74	- Special Uses	40-34
	Section 40-4-75	- Reserved	
		Division X - Industrial District	
	Section 40-4-76	- "I-1" - Industrial District	40-34
	Section 40-4-77	- Use Restriction	40-34
	Section 40-4-78	- Lot and Structure Requirements	40-35
	Section 40-4-79	- Permitted Uses	40-35
	Section 40-4-80	- Special Uses	40-35
	Section 40-4-81	- 40-4-83 Reserved	
		Division XI – Flood Plain District	
	Section 40-4-84	- "O-FP" – Flood Plain Overlay District	40-36
	Section 40-4-85	- Permitted and/or Special Uses	40-36
	Section 40-4-86	- Additional Restrictions	40-36
V		SUPPLEMENTARY ZONING REGULATIONS	
	Section 40-5-1	- Applicability of Article	40-37
	Section 40-5-2	- Recreational Vehicles	40-37
	Section 40-5-3	- Buffer Strips, Fences, Walls and Hedges	40-37
	Section 40-5-4	- Service Stations	40-38
	Section 40-5-5	- Nursing Homes and Group Homes	40-38
	Section 40-5-6	- Junk Yards	40-38
	Section 40-5-7	- Home Occupations	40-38
	Section 40-5-8	- Schools	40-39
	Section 40-5-9	- Swimming Pools	40-40
	Section 40-5-10	- Utility Substations	40-40
	Section 40-5-11	- Kennels	40-40
	Section 40-5-12	- Agricultural Activities	40-40
	Section 40-5-13	- Lighting Controls	40-40
	Section 40-5-14	- Public Buildings	40-41
	Section 40-5-15	- Churches and Houses of Formal Worship	40-41
	Section 40-5-16	- Solar Energy Systems	40-41
VI		SIGN REGULATIONS	
	Section 40-6-1	- General Prohibition	40-44
	Section 40-6-2	- Computation of Sign Area Allowance	40-44
	Section 40-6-2.1	- Definition of Sign Area	40-44
	Section 40-6-2.2	- Special Situations	40-44

ARTICLE		TITLE	PAGE
VI		SIGN REGULATIONS (CONTINUED)	
Section 40-6-3	-	Signs to be Non-Hazardous, Well-Maintained	40-44
Section 40-6-4	-	Illumination	40-44
Section 40-6-5	-	Nonconforming Signs	40-45
Section 40-6-6	-	Restrictions	40-45
Section 40-6-7	-	Strictly Prohibited Signs	40-45
Section 40-6-8	-	Signs Permitted in Any District	40-45
Section 40-6-9	-	Agricultural; Residential Districts	40-46
Section 40-6-10	-	Business; Industrial Districts	40-46
Section 40-6-11	-	Temporary Signs	40-47
VII		SUPPLEMENTARY OFF-STREET PARKING AND LOADING REGULATIONS	
Section 40-7-1	-	Applicability of Article	40-48
Section 40-7-2	-	Existing Parking/Loading Facilities	40-48
Section 40-7-3	-	Parking Design and Maintenance Standards	40-48
Section 40-7-4	-	Landscaping	40-49
Section 40-7-5	-	Location of Parking	40-49
Section 40-7-6	-	Design and Location of Off-Street Loading Facilities	40-50
Section 40-7-7	-	Computation of Required Parking/Loading Spaces	40-50
Section 40-7-8	-	Number of Parking and Loading Spaces Required	40-50
VIII		NONCONFORMITIES	
Section 40-8-1	-	Purpose of Article	40-54
Section 40-8-2	-	Nonconforming Lots	40-54
Section 40-8-2.1	-	Agricultural and Residential Districts	40-54
Section 40-8-2.2	-	Commercial and Industrial Districts	40-54
Section 40-8-2.3	-	Two or More Lots in Common Ownership	40-54
Section 40-8-3	-	Nonconforming Structures	40-54
Section 40-8-4	-	Nonconforming Uses Occupying a Structure	40-55
Section 40-8-5	-	Nonconforming Use of Land	40-55
Section 40-8-6	-	Nonconformities Under Permit Authority	40-56
IX		ADMINISTRATION AND ENFORCEMENT	
Section 40-9-1	-	Zoning Administrator	40-57
Section 40-9-2	-	Duties	40-57
Section 40-9-3	-	Initial Certificates of Zoning Compliance	40-57
Section 40-9-4	-	Zoning Application	40-57
Section 40-9-5	-	Duration of Certificate	40-58
Section 40-9-6	-	Relationship to Building Permits	40-58
Section 40-9-7	-	Final Certificates of Zoning Compliance	40-58
Section 40-9-8	-	Corrective Action Orders	40-58
Section 40-9-9	-	Contents of Order	40-58
Section 40-9-10	-	Service of Order	40-59
Section 40-9-11	-	Stop Orders	40-59
Section 40-9-12	-	Emergency Measures	40-59
Section 40-9-13	-	Complaints	40-59
Section 40-9-14	-	Fees	40-59
Section 40-9-15	-	Penalties	40-60

ARTICLE		TITLE	PAGE
X		SPECIAL PROCEDURES AND PERMITS	
		Division I - Board of Appeals	
	Section 40-10-1	- Zoning Board of Appeals	40-61
	Section 40-10-2	- Membership, Appointment, Compensation	40-61
	Section 40-10-3	- Term of Office - Vacancies	40-61
	Section 40-10-4	- Meeting--Quorum	40-61
	Section 40-10-5	- Records	40-61
	Section 40-10-6	- Decisions	40-61
	Section 40-10-7	- Period of Validity	40-62
	Section 40-10-8	- Reserved	
	Section 40-10-9	- Office of the Secretary of the Board of Appeals	40-62
	Section 40-10-10	- 40-10-11 Reserved	
		Division II - Appeals	
	Section 40-10-12	- Nature of an Appeal	40-62
	Section 40-10-13	- Filing, Record Transmittal	40-62
	Section 40-10-14	- Stay of Further Proceedings	40-62
	Section 40-10-15	- Public Hearing, Notice	40-62
	Section 40-10-16	- Decision by Board of Appeals	40-63
	Section 40-10-17	- Reserved	
		Division III - Variances	
	Section 40-10-18	- Variances	40-63
	Section 40-10-19	- Application	40-63
	Section 40-10-20	- Public Hearing, Notice	40-64
	Section 40-10-21	- Standards for Variances	40-64
	Section 40-10-22	- Decision by Board of Appeals	40-64
	Section 40-10-23	- Reserved	
		Division IV - Special Uses	
	Section 40-10-24	- Special-Use Permits	40-64
	Section 40-10-25	- Application	40-64
	Section 40-10-26	- Public Hearing, Notice	40-65
	Section 40-10-27	- Advisory Report, Factors Considered	40-65
	Section 40-10-28	- Decision – Findings of Facts	40-65
	Section 40-10-29	- Temporary Use Permits: Procedure For	40-66
		Division V - Amendments	
	Section 40-10-30	- Amendments	40-66
	Section 40-10-31	- Filing	40-66
	Section 40-10-32	- Public Hearing - Notice	40-66
	Section 40-10-33	- Advisory Report - Findings of Fact	40-66
	Section 40-10-34	- Action by City Council	40-67
	Section 40-10-35	- When Two-Thirds Majority Vote is Required	40-67
	Section 40-10-36	- Notice to Applicant of Written Protest	40-67

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 TITLE. This Code shall be known as and cited as the **Zoning Code of the City of Altamont.**

40-1-2 PURPOSE. In accordance with State law, this Code regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on appropriate sites;

(B) To assist in implementing the Comprehensive Plan, if any;

(C) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;

(D) To conserve and increase the value of taxable property throughout the City;

(E) To ensure the provision of adequate light, air and privacy to the occupants of all buildings;

(F) To protect persons and property from damage caused by fire, flooding, and improper sewage disposal;

(G) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(H) To ensure the proper design and improvement of mobile home parks;

(I) To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and

(J) To provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(See 65 ILCS 5/11-13-1)**

40-1-3 JURISDICTION. This Code shall be applicable within the corporate limits of this municipality.

40-1-4 INTERPRETATION. Every provision of this Code shall be construed liberally in favor of this municipality, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-5 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality 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.

(B) Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings. **(See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101)**

40-1-6 SEVERABILITY. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-7 REVIEW. This Code shall be reviewed every **five (5) years** after its effective date by the Board of Appeals. After the review, they shall file their reports and recommendations with the corporate authorities.

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory.

(F) The term "may" is discretionary.

(G) The words "lots," "parcel," "tract," and "site" shall be synonymous.

(H) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot.**

(J) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(K) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 SELECTED DEFINITIONS.

Abutting: As applied to lots, "abutting" means having a common lot line or district line or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

Access Way: A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

Accessory Use: Any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C) Located on the same lot as the principal use or structure served.

Administrator: The official appointed by the Mayor with the advice and consent of the City Council to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Aisle: A vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure or the moving from one location to another.

Amendment: A change in the provisions of this Code {including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Apartment Hotel: A multiple-family dwelling which furnishes for its tenant's services customarily provided by hotels, but which does not furnish such services to the transient public.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Auditorium: A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc.

Basement: A story having **one-half (1/2)** or more of its height below the average level of the adjoining ground.

Bed and Breakfast: An operator-occupied residence providing accommodation for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

Billboard: A sign advertising a commodity, business, service, or event not available or conducted upon the premises where such a sign is located or to which it is affixed.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Appeals: The Zoning Board of Appeals of the City.

Boarding House: A building or portion thereof--other than a hotel, motel, or apartment hotel--containing lodging rooms for **three (3)** or more persons who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods.

Buffer Strip: An area of land undeveloped except for landscaping fences, etc., used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

Building: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building, Enclosed: A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Building Height: The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building, Principal: A non-accessory building in which the principal use of the premises is conducted.

Bulk: Any one or any combination of the following:

(A) Size or height of structure;

(B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;

(C) Floor/area ratio;

(D) Yards or setbacks;

(E) Lot coverage.

Camping Trailer: A mobile structure designed for temporary occupancy.

Camping Trailer Park: A lot developed with facilities for accommodating temporarily occupied camping trailers.

Centerline:

(A) The centerline of any right-of-way having a uniform width;

(B) The original centerline, where a right-of-way has been widened irregularly;

(C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore may be occupied or used.

Certificate of Zoning Compliance, Final: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Church or Building for Religious Worship: A building used by a corporate religious institution that people regularly attend to participate in religious services, meetings and other customary, integrally related religious activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association or persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Community Residence: A group home or specialized residential care home serving unrelated persons with handicaps which are licensed, certified or accredited by appropriate local, state or national bodies. **Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.**

Community Residence - Large: A community residence serving **nine (9)** to **fifteen (15) persons** with handicaps.

Community Residence - Small: A community residence serving **eight (8)** or fewer persons with handicaps in a family-like atmosphere.

Conforming: In compliance with the applicable provisions of this Code.

Convenience Shop: Any small retail commercial or service establishment offering goods/services.

Day Care Center: See "Nursery School."

Deck: An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation, therefore.

District Zoning: A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Drive-In Restaurant or Refreshment Stand: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

(A) Primarily intended for immediate consumption;

(B) Available after a short waiting time; and

(C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public. Modular dwellings on permanent foundations shall be treated in the same manner as conventionally constructed dwellings (see definition for modular and permanent foundation).

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Single-Family: A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

Dwelling, Two-Family: A dwelling containing **two (2) dwelling units**.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property for certain limited purposes.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: Build, construct.

Essential Governmental or Public Utility Services: The erection, replacement, construction, alteration, or maintenance by public utilities or governmental departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings.

Establishment: Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

(1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Existing, constructed or in operation, on the effective date of this Code.

Extend: To increase the amount of floor area or land area devoted to an existing use.

Family:

(A) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(C) A group of not more than **four (4)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

Farmer: The operator of a farm spending **fifty percent (50%)** or more of his/her work time annually in farming or ranching. Land rented to or otherwise assigned to a tenant for operation shall be considered as the operation of the tenant, not the owner.

Farm Residence: The dwelling(s) of the owner, farm operator or full-time farm employees of the farmer. Buildings occupied as residences by those not engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Floor Area, Gross: As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

Flush Mounted Solar Energy System: System in which the solar collector does not extend beyond **six (6) inches** from the roof surface. **(Ord. No. 667-19; 07-08-19)**

Freight Terminal: as applied to motor carriers subject to the **625 ILCS 18c-1101 et seq.,** a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

Frontage: The lineal extent of the front (streetside) of a lot.

Garage: A structure designed and primarily used for the storage of motor vehicles, whether free of charge or for compensation.

Government: The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

Hardship: A situation in which the strict application of the provisions of this Code will result in a condition which is difficult for the person(s) so affected by the provisions to endure and is not caused by actions of such person(s).

Home Occupation: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. **(See Section 40-5-7.)**

Hotel: An establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms.

Immobilize: As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch and place on a permanent foundation.

Intensify: To increase the level or degree of.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Junk Yard: An open area of land and any accessory structures thereon that are used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition or parts thereof, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which **three (3)** or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel, Commercial: Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals over **four (4) months** of age, not including domesticated livestock. Commercial activities may include, but need not be limited to, public boarding, wholesaling of dogs or domesticated animals and the sale of items or products related to dogs or domesticated animal care.

Kennel, Private: Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals, not including domesticated livestock. All dogs or domesticated animals kept must be owned or co-owned or under contract with the owner or lessor of the site.

Landscape Fence: means a non-obstructive fence, no greater than **four (4) feet** in height, of approved design and materials. Picket, split rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record."

Lot, Corner: A lot 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, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: The lot boundary abutting the street.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded or registered with the County Recorder of Deeds, in accordance with State law.

Lot Size Requirement: Refers to the lot area, width, and depth requirements of the applicable district.

Lot Size/Bulk Variance: A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot Size/Bulk Variance goes with the property.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

Mini-Warehouses: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals or businesses for a monthly fee.

Mobile Home: As defined by this Code a mobile home is a factory-fabricated single-family home built on a permanent chassis that consists of wheel, undercarriage, and towing hitch assemblies. The average length of the mobile home (excluding garages, carports, porches, or attachments) is in excess of **three (3) times** its average width. Mobile homes shall have a minimum of **nine hundred (900) square feet** of floor area and must contain a complete kitchen and sanitary facilities. Mobile homes moved into Altamont shall meet the HUD Federal Mobile Home Construction and Safety Standards.

Mobile Home, Dependent: A mobile home which does not have a toilet and bath or shower facilities. **(See 210 ILCS 115/2.3)**

Mobile Home, Double-Wide: Consists of **two (2)** mobile units joined at the site into a single home, but kept on their separate chassis for repeated transportation to a site.

Mobile Home, Immobilized: Any mobile home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The City Council establishes the following criteria to complete the immobilization of a mobile home:

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the front line shall satisfy the requirement for a permanent foundation.

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

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

Mobile Home, Independent: A mobile home which has self-contained toilets and bath or shower facilities. **(See 210 ILCS 115/2.4)**

Mobile Home Lot: A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Mobile Home Pad: That part of an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

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

Mobile Home Park License: A permit issued by the Administrator authorizing the operation of a mobile home park in accordance with all applicable regulations.

Mobile Home Sales Area: A parcel of land used for the display, sale and repair of new or used mobile homes.

Mobile Home Space: A portion of a mobile home park designed for the use or occupancy of **one (1)** mobile home.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab on which the home is placed and to which it is anchored.

Mobile Housing Unit: Includes all forms of housing units listed in this Section and as regulated in this Code.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: As defined by this Code, a modular home is a factory-fabricated single-family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter permanent foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home must have a minimum 3/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall meet either the National Manufactured Home Construction and Safety Standards (HUD Code) or the Building Code (BOCA).

Motel: A motel for motorists, usually with blocks of rooms opening directly onto a parking area. Also called motor court.

Noisome and Injurious Substances, Conditions and Operations:

(A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other causes, to persons or property.

(B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

(C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

(D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any person(s).

(E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.

(F) Creation or causation of an unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(G) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.

(H) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

(I) Any public nuisance.

Non-Flush Mounted Solar Energy System: System in which the solar collector extends beyond **six (6) inches** from the roof surface. **(Ord. No. 667-19; 07-08-19)**

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code, but (2) not in compliance with the applicable provisions thereof.

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property or essentially interferes with the comfortable enjoyment of life. **(See Chapter 25 of the Revised Code)**

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

Nursery School: An establishment for the part-time care and/or instruction (at any time of day) of **four (4)** or more unrelated children of predominantly pre-elementary or elementary school age.

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office: Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Official Map: The portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the City.

Off-Street Parking Area: Land that is improved and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may either a principal use or an accessory use.

Off-Street Parking Space: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

Patio: An at-grade -paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

Permanent Foundation: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate., Materials such as concrete, mortared concrete block,

or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation, except where Flood Plain requirements prevail.

Permanent Habitation: A period of **two (2)** or more months. **(See 210 ILCS 115/2.2)**

Permitted Uses: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

Person: Any individual, firm, association, organization, or corporate body.

Plan: The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

Planned Development Project: A residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

Planned Unit Development: A tract of land which is planned as a whole for development under single ownership or control in accordance with this Code, and which, by virtue of such unified planning and development, provides greater amenities, convenience, or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may be a planned unit commercial or planned unit residential development.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Private Street: Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

Public Buildings: Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

Public Open Space: Any publicly owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public Utilities: Utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Public Utility Services: Means and includes facilities providing those services used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water or light except when used solely for communications purposes. Public Utility Services does not mean and shall not include facilities designed or intended to be used for the transmission of telephone messages or any other form of telecommunications.

Quick Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, mobile home park or similar development. No liquor or gasoline shall be sold in this shop.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.

Recreational Vehicle (RV) Park: See Camping Trailer Park.

Refuse: Garbage (food waste) and trash, but not sewage or industrial waste.

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Residence: A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences shall be placed on a full perimeter foundation extending below the frost depth unless located in a Special Flood Hazard Area and shall have a minimum 3/12 pitch roof. All residences shall have a minimum of **nine hundred (900) square feet** of living area and shall be built in conformity with the BOCA Building Code.

Retail: Refers to the sale of goods and services directly to the consumer rather than to another business.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

Satellite Dish: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of view and noise control.

Semi-Finished Materials: Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state but are readily usable by light industry for assembly or manufacture into consumer goods.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use or establishment where services are provided for remuneration either to individuals or to other firms.

Setback: The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

Shouse: A personal workshop and/or storage connected to a house or living quarters, outwardly resembling a shed with a roll-formed steel-sheet exterior. The house/living quarters should be a primary residence. **(Ord. No. 721-21; 11-22-21)**

Sign: Any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term “sign” includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term “sign” excludes features of a building which are an integral part of the building’s design (e.g., the “castle-look” of a White Castle restaurant).

Sign, Canopy/Marquee: Any sign affixed to, painted on, or suspended from an owning, canopy, marquee or similar overhang.

Sign, Flush-Mounted: Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Sign, Freestanding: Any sign supported by **one (1)** or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

Sign, Projecting: Any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

Sign Area: The entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Code.

Sign Area Allowance: The maximum total sign area of all signs that an establishment is permitted to display.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Solar Energy System: A system that converts solar energy into electricity or heat through the use of photovoltaic panels or film, solar thermal panels, and associated control or conversion electronics. **(Ord. No. 667-19; 07-08-19)**

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district and are allowed only by permit. A special use permit may not be transferable.

Stable: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stoop: A small porch which is usually not covered with a roof, and which is primarily used to provide access to the adjoining building.

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street Line: The street right-of-way line abutting a lot line.

Structure: Anything constructed or erected on the ground or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Telecommuting: Working in the home by using a computer terminal or other terminal connected by a telephone line or by other means to a central office or central computer.

Temporary Use Permit: A permit issued in accordance with the provisions of this Code and valid for not more than **one (1) year**, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

Topography: The relief features or surface configuration of an area.

Trailer: See "Camping Trailer."

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Use Variance: A type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Vacant as applied to a lot, means that no structure is situated thereon.

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Wholesale: Refers to the sale of goods or services by one business to another business.

Window Sign: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Front: A yard which is bound by the side lot lines, front lot line and the building line.

Yard, Rear: A yard which is bound by side lot lines, rear lot lines, and the rear yard line.

Yard, Side: A yard which is bound by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the applicable yard extends, and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Administrator; Zoning Official or Zoning Officer: The Zoning Administrator of this municipality or his authorized representative.

Zoning Map: The map(s) and any amendments thereto designating zoning districts. The zoning map is incorporated into this Code.

ARTICLE III - ZONING REGULATIONS

DIVISION I - GENERAL REGULATIONS

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement this Code, and to achieve the objectives in Article I, the entire municipality is hereby divided into the following zoning districts:

DISTRICT	DESIGNATION	MINIMUM AREA*
Agricultural	A-1	3 acres
Single Family Residence (Large)	SR-1	5 acres
Single Family Residence (Small)	SR-2	5 acres
Multi-Family Residence	MR-1	5 acres
Multi-Family Residence	MR-2	3 acres
Mobile Housing	MH-1	3 acres
Neighborhood Business	B-1	1 acre
Downtown Business	B-2	2 acres
Highway Business	B-3	3 acres
Industrial	I-1	5 acres
Flood Plain Overlay	F	N/A

* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

40-3-2 MAP - ANNUAL PUBLICATION. The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this municipality. The zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. Official copies of the zoning map shall be kept on file in the office of the Zoning Administrator or other appropriate official.

In accordance with State Law, the Administrator shall publish the City's zoning map not later than **March 31st** of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations. **(See 65 ILCS 5/11-13-19)**

NOTE: The map shall be published if there are any annexations.

40-3-3 DETERMINING TERRITORIAL LIMITS. In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

(1)	Center line of any street, alley or highway	Such centerline.
(2)	Lot line	Such lot line.
(3)	Railroad tracks	Right-of-way line of such track

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) All territory (including bodies of water) that lies within the zoning jurisdiction of this municipality, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district.

40-3-4 ANNEXED TERRITORY. Any territory hereafter annexed to the municipality shall automatically be in the SR-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the City Council, with the advice of the Board of Appeals, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met. **(See Section 40-10-30 for amendments)**

40-3-5 GENERAL PROHIBITION. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A) **Agricultural Exemption.** The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion.

40-3-6 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Board of Appeals, following consultation with the Zoning Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may prepare a written ruling to that effect and classify the use as a use permitted by right. The Board's decision shall become a permanent public record.

40-3-7 TEMPORARY USES. Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than **one (1) year** unless it is properly renewed **(See Section 40-10-29).**

40-3-8 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise:

(A) Only one principal building or structure shall be permitted on any residential lot; and

(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use. **(See Section 40-8-2)**

40-3-9 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street.

40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in the Central Business district and in all residential zoning districts, where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet,** the minimum required front setback on that block shall be the average of the existing front set-backs; provided however, that in any built-up area, no front setback shall be less than **fifteen (15) feet**, nor shall any front setback greater than **fifty (50) feet** be required.

40-3-12 YARD INTRUSIONS. To the extent indicated below, the following features of principal buildings may intrude into yards without thereby violating the minimum setback requirements:

	FEATURES	MAXIMUM INTRUSIONS
(A)	Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(B)	Fire escapes	Four (4) feet.
(C)	Patios	Six (6) feet.
(D)	Porches and stoops, if enclosed, unroofed, and at no higher than two (2) steps above ground level	Six (6) feet.
(E)	Balconies, decks, porches	Four (4) feet.
(F)	Canopies, roof overhangs	Four (4) feet.

*In SR-2 districts intrusions shall not exceed **one-half (1/2)** of the required side yard setback.*
(Ord. No. 410-06; 06-12-06)

40-3-13 HEIGHT - EXCEPTIONS.

(A) **Necessary appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the City.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street. **(See Figures 1 and 2 at the end of this Code.)**

40-3-14 SEWER AND SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **two hundred (200) feet**, all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the public sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

(1) Illinois Private Sewage Disposal Licensing Act, **(225 ILCS 225/1 through 225/23)** as amended from time to time; and

(2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time; and

(3) Pertinent, current regulation issued by the **Illinois Environmental Protection Agency**; and

(4) Applicable codes and regulations of the City, particularly the **Subdivision Code**.

The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the City Engineer, he is satisfied that these requirements will be met. **(Also, see Chapter 38 entitled "Utilities" of Revised Code) (Ord. No. 410-06; 06-12-06)**

40-3-15 ACCESSORY USES - PERMITTED.

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

(1) meets the definitions of "accessory use" found in **Section 40-2-2**;

(2) is accessory to a principal structure or use that is allowed in a particular zoning district as permitted or special use; and

(3) is in compliance with restrictions set forth in **Section 40-3-16**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. **(See Definition of "Attached" in Section 40-2-2)**

40-3-16 ACCESSORY USE RESTRICTIONS.

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(B) **Schedule.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district as provided in **Section 40-3-17** at the conclusion of the Code.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the City.

(E) ***Easements.*** *Accessory uses shall not be located on a utility easement.*

(Ord. No. 410-06; 06-12-06)

40-3-17 AREA BULK REGULATIONS. To facilitate public understanding of this Code, the Area-Bulk Regulation Schedule is hereby adopted and declared to be an integral part of this Code, and it may be amended in the same manner as any other part of this Code. The Schedule is found at the conclusion of this Code.

40-3-18 - 40-3-19 RESERVED.

DIVISION II - PLANNED DEVELOPMENTS

40-3-20 PLANNED DEVELOPMENT DEFINED. As used in this Division, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

(A) common open space is reserved;

(B) various housing types and other structures and uses may be mixed and/or

(C) overall average density does not exceed the usual zoning district limit.

40-3-21 OBJECTIVES. This Section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following objectives:

(A) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;

(B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;

(C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;

(D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;

(E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;

(F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-3-22 COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED. Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning code and the Subdivision Code.

40-3-23 DISTRICTS WHERE ALLOWED. Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the City Council after a hearing before the Board of Appeals. **(See Section 40-10-26)**

40-3-24 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS. The Planned Development concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Board of Appeals, provided that in approving such mixed uses, the Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" mean minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article V** of this Code.

40-3-25 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planed Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

(A) Filing development plan with the Zoning Administrator;

(B) Review of plans by Plan Commission;

(C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;

(D) Recommendation by Plan Commission; if any;

(E) Public hearing by the Board of Appeals as per the requirements of **Article X - Administration**;

(F) Recommendation of the Board of Appeals regarding approval/rejection of the development plan;

(G) Recording of development plan with the County Recorder of Deeds;

(H) Approval of City Council.

40-3-26 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

40-3-26.1 WRITTEN DOCUMENTS.

(A) Legal description of the total site proposed for development;

(B) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;

(C) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

(D) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;

(E) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.

(F) Data indicating:

(1) total number and type of proposed dwelling units;

(2) gross and net acreage of parcel;

(3) acreage of gross and usable open space; and

(4) area of any commercial uses.

40-3-26.2 GRAPHIC MATERIALS.

(A) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;

(B) Proposed lot lines and plot designs;

(C) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;

(D) Location and size in acres or square feet or all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;

(E) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);

(F) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

(G) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;

(H) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

(I) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;

(J) Any additional information required by the City to evaluate the character and impact of the proposed PD.

(K) Appropriate seals of the licensed surveyor, engineer or architect.

40-3-27 CRITERIA CONSIDERED. The Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their recommendation, the Board of Appeals shall consider the following criteria:

(A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D) The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E) Any other reasonable criteria that the Board of Appeals may devise.

40-3-28 DECISION BY BOARD OF APPEALS. The Board of Appeals shall not recommend any PD unless:

(A) The developer has posted a performance bond or deposited funds in escrow in the amount of the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(B) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

40-3-29 CHANGES IN APPROVED PLANS. No changes shall be made to any approved PD Development Plan, except as follows:

(A) **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B) All other changes shall require a public hearing before the Board of Appeals.

(C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. **(See Article X - Division V)**

40-3-30 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

(A) The special-use permit shall be automatically revoked; and

(B) any zoning permits shall automatically become null and void; and

(C) all regulations applicable before the PD was approved shall automatically be in full effect.

40-3-31 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the City shall be exempt from all of the provisions of this Section.

ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I - AGRICULTURAL DISTRICT (A-1)

40-4-1 "A-1" - AGRICULTURAL DISTRICT. The "A-1" Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

40-4-2 SPECIAL RESTRICTIONS. In the "A-1" District, only **one (1) principal dwelling** shall be situated on any **one (1) lot**.

40-4-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "A-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	3 Acres
(B)	Minimum Lot Width at the established building line	150 feet
(C)	Minimum Lot Depth	200 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	50 feet
(E)	Maximum Building Height	35 feet
	(Does not apply to accessory agricultural structures)	

[See Appendix for illustrations.]

40-4-4 PERMITTED USES. The following uses shall be permitted in the **"A-1" - Agricultural District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-12** are met.

All uses commonly classified as agriculture, apiculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery operations, dairy farming, livestock raising, animal and poultry breeding, raising and feeding of animals, forestry operations together with building and the operations of machinery or vehicles, but not including stockyards or agricultural product processing plants other than for agricultural use.

Cemeteries.

Farm residences, existing prior to **July 1, 1995**, may be sold off of an existing agricultural zoned plot, provided at least **two and one-half (2.5) acres** is deeded with the residence. These residences must meet exception 9 of the State Plat Act.

Fish and game preserves.

Government uses of this municipality.

Greenhouses and nurseries, wholesale.

Governmental use facilities and buildings for the County.

Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another lot and must meet setbacks from the lot line, whichever is greater.

Modular homes.

Non-commercial recreational activities.

Parks, forest preserves, and recreational areas, when publicly owned and operated.

Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.

Single-family detached residences.

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Accessory uses in accordance with Section 40-3-13.

40-4-5 SPECIAL USES. The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the **"A-1" - Agricultural District:**

Agricultural implement and machinery sales, service and repair.

Airports or aircraft landing fields.

Animal feed, storage, preparation, grinding, and mixing--wholesale and retail.

Animal hospitals, provided that adequate safeguards, structural, mechanical, and location, shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.

Bed and breakfast establishments.

Blacksmith or welding shops.

Churches, rectories, and parish houses.

Commercial recreation areas or camps.

Communication towers.

Construction-related equipment, limited storage of.

Fairgrounds.

Fertilizer sales, including bulk storage and mixing.

Golf courses, and country clubs, of regulation size, but not commercially operated driving ranges or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500) feet** to any dwelling on another zoning lot.

Governmental facilities and uses, other than the City.

Grain elevators and storage, commercial.

Greenhouses and nurseries, retail--including landscaping operations.

Home occupations, that do not comply with Section 40-5-7.

Hospitals, clinics, and sanitariums.

Kennels, commercial.

Livestock depots and sales yards.

Living quarters for persons employed in agricultural or related activities that are conducted on the premises.

Marinas.

Mineral extraction and storage.

Mobile Homes.

Oil Wells.

Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business.

Propane and fuel oil sales.

Public service uses, other than the City, including utility substations, filtration plants, pump stations, water reservoirs, police and fire stations.

Radio and television towers.

Sanitary and natural material landfills to include any combustible or non-combustible materials.

Sawmills.

Schools and colleges for academic instruction.

Stables, commercial.

Storing explosives of any kind.

40-4-6 RESERVED.

DIVISION II - SINGLE-FAMILY DISTRICTS

40-4-7 "SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT (LARGE LOT). In the "SR-1", Single-Family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (mobile homes, manufactured mobile homes, duplexes, apartments, etc.) are prohibited uses in this district.

40-4-8 SPECIAL RESTRICTIONS. In the "SR-1" District, only **one (1)** principal building (single-family) shall be situated on any **one (1) lot.** The living area shall have a minimum of **nine hundred (900) square feet**.

40-4-9 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "SR-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

40-4-10 PERMITTED USES. The following uses shall be permitted in the **"SR-1" - Single-family Residential District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-12** are met.
Single-family detached residence.
Accessory uses in accordance with **Section 40-3-16**.
Government uses of this municipality.

40-4-11 SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with **Section 40-10-24** of this Code in the **"SR-1" District**:

Bed and breakfast establishments.
Cemeteries and mausoleums in conjunction therewith.
Churches and other places of formal worship.
Day care or nursery schools.
Government uses other than those of the municipality.
Group homes.
Home occupations. **(See Section 40-5-7)**
Modular homes. **(See Section 40-2-2)**
Private recreational areas or campus, when not operated for profit.
Public libraries, community centers or grounds.
Railroad rights-of-way and trackage.

Schools: Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

40-4-12 - 40-4-15 RESERVED.

DIVISION III - SINGLE-FAMILY DISTRICT (SR-2)

40-4-16 "SR-2" - SINGLE-FAMILY DISTRICT (SMALL LOT). The "SR-2", Single-Family Residence District encompasses areas suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing subdivisions offering a range of new single-family housing. Other types of residences (manufactured homes, *modular homes,* duplexes, etc.) are permitted in this district by special-use *permit*. **(Ord. No. 410-06; 06-12-06)**

40-4-17 SPECIAL RESTRICTIONS. In the "SR-2" District, only **one (1) principal building** (single-family) shall be situated on any **one (1) lot**.

40-4-18 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "SR-2" District shall conform to the following requirements:

(A)	Minimum Lot Area	6,000 sq. ft.
(B)	Minimum Lot Width at the established building line	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	*18* feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	6 feet
	(4) From rear lot line	*20* feet
	(5) From side yard abutting street	*15* feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-19 PERMITTED USES. The following uses shall be permitted in the **"SR-2" - Single-family Residential District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-12** are met.

Single-family detached residences.

Accessory uses in accordance with **Section 40-3-16**.

Government uses of this municipality.

40-4-20 SPECIAL USES. The following uses may be allowed in the **"SR-2" District** by special-use permit in accordance with Section 40-10-24, to-wit:

Churches and other places of formal worship.

Duplexes.

Government uses other than those of the municipality.

Group homes.

Home occupations. **(See Section 40-5-7)**
Manufactured homes, modular homes. **(See Section 40-2-2)**
Private recreational areas or campus, when not operated for profit.
Public libraries, community centers or grounds.
Railroad rights-of-way and trackage.
Schools: Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.
Shouses. **(See Section 40-2-2) (Ord. No. 721-21; 11-22-21)**
Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.
(Ord. No. 410-06; 06-12-06)

40-4-21 - 40-4-30 RESERVED.

DIVISION IV - MULTIPLE-FAMILY DISTRICTS (MR-1)

40-4-31 "MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT. The "MR-1", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family and multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-32 LOT AND BUILDING REQUIREMENTS. Every principal building in the "MR-1" District shall conform to the requirements indicated below:
NOTE: Detached single-family and two-family dwellings erected in the "MR-1" District shall comply with all applicable regulations of the "MR-1" District.

(A)	Minimum Lot Area	10,000 sq. ft. 4,500 sq. ft. per unit, which- ever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	6 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-33 PERMITTED USES. The following uses shall be permitted in the **"MR-1" - Multiple-Family Residential District:**

Any use permitted in the **"SR-1" District. (Section 40-4-10)**
Duplex (two-family dwellings).

40-4-34 SPECIAL USES. The following uses may be allowed in the **"MR-1" District** by special-use permit in accordance with **Section 40-10-24**:

Any special-use in the "SR-1" District. **(See Section 40-4-11)**
Day care center.
Multiple family dwelling.
Nursing homes.
Utility substations.

40-4-35 - 40-4-36 RESERVED.

DIVISION V - MULTIPLE-FAMILY DISTRICTS (MR-2)

40-4-37 "MR-2" - MULTIPLE-FAMILY RESIDENCE DISTRICT. The "MR-2", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-38 LOT AND BUILDING REQUIREMENTS. Every principal building in the "MR-2" District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the "MR-2" District shall comply with all applicable regulations of the "MR-2" District.

(A)	Minimum Lot Area	10,000 sq. ft. 2,500 sq. ft. per unit, whichever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-39 PERMITTED USES. The following uses shall be permitted in the **"MR-2" - Multiple-Family Residential District:**

Any use permitted in the **"MR-1" District. (Section 40-4-33)**
Multiple-family dwellings.

40-4-40 SPECIAL USES. The following uses may be allowed in the **"MR-2" District** by special-use permit in accordance with **Section 40-10-24**:

Any use permitted as a special-use in **Section 40-4-34.**
Convenience shops and quick shops (e.g., small drugstore, food store, laundromat).

40-4-41 - 40-4-45 RESERVED.

DIVISION VI - MOBILE HOUSING DISTRICT (MH-1)

40-4-46 "MH-1" - MOBILE HOUSING DISTRICT. The "MH-1", Mobile Housing District is primarily intended to provide areas suitable for the placement of manufactured homes on individual lots and for the establishment of mobile home parks. This district is intended to preserve other residential districts for conventionally constructed single-family dwellings.

40-4-47 MOBILE HOUSING LOT OWNERSHIP. All manufactured housing or modular units located outside an approved mobile home park shall be located on property owned by the owner of the housing unit.

All units shall meet the Housing and Urban Development Federal Code known as the **"National Manufactured Home Construction and Safety Standards"** or the **"Illinois Mobile Home and Manufactured Housing Safety Act".** All units shall meet all local maintenance codes.

40-4-48 LOT AND BUILDING REQUIREMENTS, GENERALLY.

NOTE: Special lot and building requirements are applicable to mobile home parks. **(See Section 40-4-51)**

(A)	Minimum Lot Area	7,000 sq. ft.
(B)	Minimum Lot Width at the established building line	60 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces

40-4-49 PERMITTED USES. The following uses shall be permitted in the **"MH-1" - Mobile Housing District:**

Any use permitted in the **"MR-1" District. (See Section 40-4-33)**

Manufactured homes and modular homes provided said units conform to all applicable requirements of the Revised Code. **(See Chapter 23)**

40-4-50 SPECIAL USES. The following special uses may be permitted in the **"MH-1" District** by special-use permit in accordance with **Section 40-10-24**:

Same as SR-1 District.
Churches and related religious facilities.
Convenience stores and quick shops.
Government uses other than those of the municipality.
Home occupations, but only in conformity with the requirements of **Section 40-5-7**.
Mobile home parks and courts.
Multiple-family dwellings.
Nursing homes.
Schools.
Utility substations.

40-4-51 MOBILE HOME PARKS. No mobile home park shall be established except in conformity with the requirements of this Section:

(A) **Minimum Lot Size, Setback Requirements.**

(1) **Minimum Lot Area.** No mobile home park shall be located on a tract less than **three (3) acres** in area.

(2) **Minimum Dimensions.** No mobile home park shall be developed on any tract that is less than **two hundred fifty (250) feet** in both width or depth.

(3) **Minimum Setbacks.** No part of any mobile home or other structure in any mobile home park shall be situated closer than **twenty-five (25) feet** to any boundary line of the park.

(4) **Maximum Height.** No structure in any mobile home park shall be more than **twenty (20) feet** in height.

(B) **Spacing of Mobile Homes.**

(1) Every mobile home space shall meet the following requirements:

(a)	Minimum Area	7,000 square feet
(b)	Minimum Width	60 feet
(c)	Minimum Depth	100 feet

(2) Mobile homes within any park shall be placed so that no part of any mobile home is closer than:

(a) 10 feet to any park street;

(b) 25 feet to any boundary line of the park; or

(c) 20 feet to any part of any other mobile home or structure.

40-4-52 - 40-4-55 RESERVED.

DIVISION VII - NEIGHBORHOOD BUSINESS DISTRICT (B-1)

40-4-56 DESCRIPTION. The "B-1", Neighborhood Business District, as delineated on the zoning map, encompasses small commercial enclaves located within predominantly residential areas. Only selected small-scale sales and service facilities that constitute a convenience to residents of the immediate neighborhood may locate in this district. These commercial establishments must be compatible in design and operation with an essential residential environment.

40-4-57 SPECIAL RESTRICTIONS. The following use restrictions shall apply:

(A) **Retail Only.** Every commercial or service establishment located in this district shall deal directly with consumers.

(B) **Enclosed Buildings.** All commercial, service and storage activities shall be conducted within completely enclosed structures.

(C) **Limited Size.** The gross floor area of any commercial or service establishment located in this district shall not exceed **three thousand (3,000) square feet**.

(D) **No Drive-Ins.** No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.

(E) **Access Ways.** Any access way (driveway) to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.

(F) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly covered containers placed in visually screened areas.

(G) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely planted shrubbery) at least **six (6) feet**

high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

(H) **Signs. See Article VI.**

40-4-58 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-1" District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width	75 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
(1)	From front lot line	25 feet
(2)	Total for both side yard lines	15 feet
(3)	From either side lot line	5 feet
(4)	From rear lot line	25 feet
(5)	From side yard abutting street	25 feet
(E)	Maximum Structure Height	35 feet
(F)	Off-Street Parking	See Article VII

40-4-59 PERMITTED USES. Provided all the use restrictions of this district are observed, the following uses are permitted:

Churches and other places of formal worship.
Clubs and lodges.
Commercial establishments.
Government uses of this municipality.
Group homes.
Home occupations.
Libraries, museums.
Offices.
Service establishments.
Accessory uses in accordance with Section **40-3-16**.

40-4-60 SPECIAL USES. Provided all the use restrictions of this district are observed, the following uses may be allowed by special-use permit.

Dwelling units, if located above the first story.
Governmental uses other than those of this municipality.
Quick shop.
Taverns.
Utility substations.

40-4-61 - 40-4-62 RESERVED.

DIVISION VIII - CENTRAL BUSINESS DISTRICT (B-2)

40-4-63 DESCRIPTION. The "B-2", Central Business District encompasses the concentrated pedestrian-oriented commercial area of this municipality. Stores and other facilities providing a wide range of retail goods and services to the general public may be located within this district.

40-4-64 USE RESTRICTIONS. The following use restrictions shall apply:

(A) **Retail Only.** Every commercial or service establishment located in this district shall deal directly with consumers.

(B) **Processing Incidental.** Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.

(C) **Unenclosed Activities--Special-Use Permit.** In this district, a special use permit is required to conduct any commercial, service or storage activities outside a completely enclosed building.

(D) **No Drive-Ins.** No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.

(E) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly covered containers placed in visually screened areas.

(F) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(H) **Signs. See Article VI.** *However, a freestanding sign may be located on the property line in this district only.*

(Ord. No. 410-06; 06-12-06)

40-4-65 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-2" Central Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	None
(B)	Minimum Lot Width at established building line	30 feet
(C)	Minimum Lot Depth	None
(D)	Minimum Setbacks	Generally none required except as necessary to achieve compliance with applicable off-street parking and loading requirements. (See Article VII) However, any lot abutting a residential district shall conform to the front and side setback requirements of such district.
(E)	Maximum Building Height	60 feet

40-4-66 PERMITTED USES. Provided all the use restrictions of this district **(See Section 40-4-64)** are observed, the following uses are permitted:

Auditoriums, meeting rooms, and other places of assembly.
Clubs and lodges.
Commercial establishments, except those listed in **Section 40-4-67**.
Government uses of this municipality.
Libraries, museums.
Offices.
Service establishments, except those listed in **Section 40-4-67**.
Accessory uses in accordance with Section **40-3-16**.

40-4-67 SPECIAL USES. Provided all the use restrictions of this district **(See Section 40-4-53)** are observed, the following uses may be allowed by special-use permit.

Any use that involves commercial, service or storage activities conducted outside completely enclosed buildings.

Any use, such as drive-in restaurants, drive-in banks, service stations, etc., that offers goods or services directly to customers waiting in parked vehicles, or that sells food or beverages for consumption on the premises in parked motor vehicles.

Churches and other places of formal worship.

Dwelling units, if located above the first story.

Governmental uses other than those of this municipality.

Group homes.

Medical/dental clinics.

Nursing homes.

Taverns.

Utility substations.

Any use permitted in the "B-1" district.

40-4-68 - 40-4-69 RESERVED.

DIVISION IX - HIGHWAY BUSINESS DISTRICT (B-3)

40-4-70 DESCRIPTION. The "B-3" Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses--both retail and wholesale--draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

40-4-71 USE RESTRICTIONS.

(A) **Repairs Indoors.** All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky but shall be enclosed by walls or solid fences at least **eight (8) feet** high.

(B) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly covered containers placed in visually screened areas.

(C) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(D) **Parking. See Article VII.**

(E) **Signs. See Article VI.**

40-4-72 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "B-3" Highway Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Total for both side yard lines	50 feet
	(3) From either side lot line	20 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	50 feet
(E)	Maximum Building Height	45 feet
(F)	Maximum Percent Coverage Per Lot	50%

40-4-73 PERMITTED USES. Provided all the use restrictions of this district **(See Section 40-4-71)** are observed, the following uses are permitted:

Any use permitted in the "B-2" district.
Churches and other places of formal worship.
Clubs and lodges.
Commercial establishments, of any type, including drive-in facilities. Such uses as the following are especially appropriate in this district:
- bowling alleys
- furniture and appliance sales
- greenhouses
- lumber and building supplies sales
- miniature golf courses
- manufactured home and recreational vehicles sales
- motor vehicles sales.

Government uses of this municipality.
Offices.
Service establishments, any type, including drive-in facilities. Such uses as the following are especially appropriate in this district:
- animal hospitals
- banks and other financial institutions
- motels
- motor vehicles services
- restaurants
- service stations **(See Section 40-5-4)**

Accessory uses in accordance with **Section 40-3-16**.

40-4-74 SPECIAL USES. Provided all the use restrictions of this district are observed, the following uses may be allowed by special-use permit:

Freight and bus terminals, and related transportation facilities.
Governmental uses other than those of this municipality.
Research and development facilities not involving explosives, flammable gases, or liquids, or live animals.
Utility substations. **(See Section 40-5-10)**
Warehousing and wholesaling of any goods except explosives, flammable gases, or liquids, or live animals.

40-4-75 RESERVED.

DIVISION X - INDUSTRIAL DISTRICT

40-4-76 "I-1" - INDUSTRIAL DISTRICT. The "I-1", Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-4-77 USE RESTRICTION.
(A) **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **eight (8) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this district abuts any other district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when fully grown.

(D) **Parking. See Article VII.**

(E) **Signs. See Article VI.**

40-4-78 LOT AND STRUCTURE REQUIREMENTS.

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at the established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) From any side lot line	25 feet
	(3) From rear lot line	25 feet
	(4) From side yard abutting street	50 feet
(E)	Maximum Structure Height	60 feet
(G)	Maximum Percent Coverage Per Lot	40%

40-4-79 PERMITTED USES. Provided all the use restrictions of the **"I-1" Industrial District** are observed, the following uses are permitted: **(See Section 40-4-77)**

Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives or live animals are not involved.

Freight and bus terminals and related mass transportation facilities.

Government uses of this municipality.

Research and development facilities not involving explosives, or flammable gases or liquids.

Service stations. **(See Section 40-5-4)**

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.

Utility substations. **(See Section 40-5-10)**

Accessory uses in accordance with **Section 40-3-16**.

40-4-80 SPECIAL USES. The following uses may be permitted as special-uses in this District by special-use permit in accordance with **Section 40-10-24**, to-wit:

Any permitted use in the **"B-2" or "B-3" District. (See Sections 40-4-66 and 40-4-73)**

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases, liquids, or live animals.

Government uses other than those of this municipality.

Junk Yards. **(See Section 40-5-6)**

Research and development facilities involving explosives, or flammable liquids or gases.

40-4-81 - 40-4-83 RESERVED.

DIVISION XI - FLOOD PLAIN DISTRICT

40-4-84 "O-FP" - FLOOD PLAIN OVERLAY DISTRICT. The "O-FP", Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the Municipality subject to special requirements.

In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this Section are intended to restrict permitted development in flood plains to:

(A) Uses which inherently have low flood damage potential and

(B) to other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

40-4-85 PERMITTED AND/OR SPECIAL USES. This overlay district has no effect on the classification, whether permitted, special, or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

40-4-86 ADDITIONAL RESTRICTIONS. All uses, whether permitted or special, that are located in the area covered by the **"O-FP", Overlay District** shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To ensure such protection, the Administrator, following consultation with technically qualified persons, may require as necessary:

(A) Anchorage or addition of weight to structures to resist flotation;

(B) installation of watertight doors and bulkheads;

(C) use of special paints, membranes, mortars so as to reduce seepage through walls.

(D) installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;

(E) reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;

(F) installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;

(G) location of electrical equipment and appliances above the level of the regulatory flood elevation;

(H) location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc., above the regulatory flood elevation;

(I) filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or

(J) any other reasonable flood protection measures.

In no case shall the Zoning Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of floodwater leaving the lot in question.

(See Chapter 14 for Flood Plain Code)

ARTICLE V - SUPPLEMENTARY ZONING REGULATIONS

40-5-1 APPLICABILITY OF ARTICLE. This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 RECREATIONAL VEHICLES. The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel-trailer park that conforms to the requirements of this Code and the City Code. The requirements of paragraphs (A), (C), and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

(A) Not more than **one (1)** travel trailer or recreational vehicle shall be parked on any lot. They shall not be parked on a street.

(B) No travel trailer or other recreational vehicle shall be used as a dwelling.

(C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.

(D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.

(E) No travel trailer or other recreational vehicle shall be parked in any front yard.

(F) No unlicensed mobile home may be located in a travel trailer or recreational vehicle park.

40-5-3 BUFFER STRIPS, FENCES, WALLS AND HEDGES. Buffer strips, fences, walls or hedges used for any purpose shall, in all districts, conform to the following:

(A) Whenever a commercial, multi-family or industrial district abuts a residential district or is across a street, alley or similar obstacle from a residential district, a buffer strip of landscaping and/or other treatment shall be required. If a buffer strip is live landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity. Width shall be **twenty (20) feet**, except that between areas zoned "I" and the designated zones, the width shall be **thirty (30) feet**.

Where an existing "SR-1" or "SR-2" abuts a district requiring a buffer, the minimum setback from the buffer in that district requiring a buffer shall be **ten (10) feet** providing that a street does not come between the districts.

(B) No new permanent barbed wire or electrically charged fence less than **eight (8) feet** in height shall be erected or maintained anywhere except in connection with agricultural uses; when the agricultural use abuts a property line or a public right-of-way, the use of such fencing shall require the issuance of a Special Use Permit.

(C) No fence, wall, or other obstruction shall be erected on or within **three (3) feet** of any alley or public right-of-way; temporary barricades shall require the written permission of the Zoning Administrator.

(D) No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code. (See 70 ILCS Sec. 2-1 to 2-13)**

(E) No fence, wall or other obstruction shall exceed **eight (8) feet** in height in any district except the Industrial District (I) where the maximum height shall not exceed **ten (10) feet**; exemption, planting screen, in addition, in areas near street intersections, special height restrictions shall be applicable to fences, walls, or other obstructions. **(Section 40-3-12(B).)**

(F) No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved by the Zoning Administrator. **(See Landscape Fence, Section 40-2-2)**

(G) No fence, wall or other obstruction shall be erected on or within **three (3) feet** of a property line without the mutual consent of the abutting property owners; in such

instances, an applicant for an Initial Certificate of Zoning Compliance shall include on the application a statement to the effect that abutting property owners are aware of the type and proposed location of the fence, wall or other obstruction to be erected and have given their written consent.

(H) No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.

(I) All fences shall be constructed from materials which are commonly used for fencing and shall not be constructed from railroad ties, wood pallets, tires, rubber or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, wire, vinyl and ornamental iron work. Materials not listed are subject to special review. **(Ord. No. 621-17; 09-25-17)**

40-5-4 SERVICE STATIONS.

(A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

(C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

(F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

40-5-5 NURSING HOMES AND GROUP HOMES.

(A) The lot on which any group home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres.**

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **one and one-half (1.5) acres.**

40-5-6 JUNK YARDS.

(A) No part of any junk yard--which includes any lot on which any **three (3)** or more inoperable vehicles are stored--shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **eight (8) feet** high and of sufficient density to block the view from adjacent property.

40-5-7 HOME OCCUPATIONS.

(A) **Limitations on Use.** A home occupation shall be considered a special use in any residence district, provided the home occupation is subject to the following limitations.

(1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there, and no others.

(2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.

(3) The total area used for the home occupation shall not exceed **one-half (1/2)** the floor area of the user's living unit.

(4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **two (2) square feet** in area and which shall not be illuminated.

(5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(6) There shall be no offensive noise, nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.

(8) A home occupation, including studios or rooms for instruction, shall provide an off-street parking area adequate to accommodate needs created by the home occupation.

(9) The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.

(10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being recommended by the Board of Appeals and approved by the City Council, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

(1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. **(See Section 40-10-26)**

(2) A hearing upon the application shall be held in accordance with the rules and regulations of the Board of Appeals.

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) **Parking. (See Section 40-7-8)**

(E) **Signs. (See Section 40-6-10)**

40-5-8 SCHOOLS.

(A) The lot on which any school is situated shall have the minimum area indicated below:

Type of School	Minimum Lot Area
Nursery, Day Care Center	**One hundred (100) square feet** of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State law **(105 ILCS 5/35-8)** - normally **four (4) acres**, plus **one (1)** additional acre for every **one hundred fifty (150) students** in excess of **two hundred (200).**

(B) The principal building of any school shall be located at least **twenty-five (25) feet** from all lot lines.

40-5-9 SWIMMING POOLS.

(A) Every in-ground swimming pool, whether public or private, shall be enclosed by a wall or fence at least **four (4) feet** in height and shall have a gate that shall be locked when the pool is not in use. An above-the-ground pool, **four (4) feet** or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.

(B) No private swimming pool shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.

(C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

40-5-10 UTILITY SUBSTATIONS. Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.

(C) Every such facility shall be screened by close-planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

40-5-11 KENNELS.

(A) Kennels shall be permitted only in the A-1 District.

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

(C) The lot on which any kennel is situated shall have a minimum area of **three (3) acres**.

40-5-12 AGRICULTURAL ACTIVITIES.

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **three hundred (300) feet** to any existing dwelling, or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected, or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line or residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

(C) **Barbed Wire/Electrical Fences.** **(See Section 40-5-3(A).)**

40-5-13 LIGHTING CONTROLS. Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

40-5-14 PUBLIC BUILDINGS. In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

40-5-15 CHURCHES AND HOUSES OF FORMAL WORSHIP. The following restrictions shall apply to churches no matter if they are permitted uses or special uses:

(A) **Lot Size.** The minimum size of the lot or tract shall not be less than **two (2) acres** and have a minimum frontage on a public street and at the building line of **one hundred fifty (150) feet**.

(B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that **one (1) parsonage** may be permitted on the same lot or tract provided the parsonage is located no more than **seventy-five (75) feet** from the principal building for religious worship.

(C) **Property Lines.** Each principal building shall be located at least **twenty-five (25) feet** from all property lines and shall meet all other applicable requirements of the Zoning Code.

(D) **Accessory Buildings.** Accessory buildings shall meet all applicable requirements of the Zone District.

(E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provisions. **(See 805 ILCS 110/0.01 et seq.)**

40-5-16 SOLAR ENERGY SYSTEMS.

(A) **Purpose.** The purpose of this Section is to establish reasonable and uniform regulations for the location, installation, operation and maintenance of Solar Energy Systems; to assure that any development and production of Solar Energy Systems is safe and to minimize any potentially adverse effects on the community; to promote the supply of sustainable and renewable energy resources, in support of national, state and local goals; and to facilitate energy cost savings and economic opportunities for residents and businesses situated within the City.

(B) **Solar Energy System – General Regulations.** Solar Energy Systems may be erected or installed on properties within the corporate limits of the City, in accordance with this Section, as well as all State and Federal laws and regulations, as amended from time to time, concerning the use and operation of said Solar Energy System, and shall be further subject to the following standards:

(1) Except as authorized by the City Council for public utility and/or public infrastructure purposes, Solar Energy Systems shall only be permitted if accessory to a principal building and/or principal use.

(2) Any person seeking to erect, construct, install, or maintain an interconnected Solar Energy System on property located within the corporate limits of the City, shall submit the Net Metering Policy, Terms and Conditions for Interconnect, and Interconnect Application forms to the City.

(3) **Type Permitted and Maximum Roof Area.**

(a) For properties zoned A-1 - Agricultural District, SR-1 - Single-Family Residence District, SR-2 – Single-Family Residence District, MR-1 – Multiple-Family Residence District, MR-2 – Multiple-Family Residence District, and MH-1 – Mobile Housing District:

(i) Flush Mounted Solar Energy Systems are permitted to be installed on any roof area;

(ii) Non-Flush Mounted Solar Energy Systems are permitted on a building with a flat roof if the Solar Collector is completely screened from view to an observer **five (5) feet** above the ground at any point along an abutting property line;

(iii) Non-Flush Mounted Solar Energy Systems are prohibited on any roof that is adjacent to the front yard and/or corner side yard;

(iv) The Solar Collector Surface area shall be set back on the roof as follows:

a. Set back from the roof lower eaves a minimum of **three (3) feet**;

b. Set back from the roof top edge (ridge) a minimum of **three (3) feet**;

c. Set back from the side rake a minimum of **four (4) feet**; and,

d. Set back from any roof equipment and/or other obstructions (examples: skylights, chimneys, exhaust fans, vents, etc.) a minimum of **four (4) feet**.

(b) For properties zoned B-1 – Neighborhood Business District, B-2 – Central Business District, B-3 – Highway Business District, and I-1 – Industrial District:

(i) Flush Mounted Solar Energy Systems are permitted to be installed on any roof area;

(ii) Non-Flush Mounted Solar Energy Systems are permitted on a building with a flat roof if the Solar Collector is completely screened from view to an observer **five (5) feet** above the ground at any point along an abutting property line;

(iii) Non-Flush Mounted Solar Energy Systems are prohibited on any roof that is adjacent to the front yard and/or corner side yard;

(iv) The Solar Collector Surface area shall be set back on the roof as follows:

a. Set back from the roof lower eaves a minimum of **four (4) feet**;

b. Set back from the roof top edge (ridge) a minimum of **four (4) feet**;

c. Set back from the side rake a minimum of **four (4) feet**; and,

d. Set back from any roof equipment and/or other obstructions (examples: skylights, chimneys, exhaust fans, vents, etc.) a minimum of **four (4) feet**.

(4) **Maximum Permitted Height and Building Projection/Extension.**

(a) For properties zoned A-1 – Agricultural District, SR-1 – Single-Family Residence District, SR-2 – Single-Family Residence District, MR-1 – Multiple-Family Residence District, MR-2 – Multiple-Family Residence District, and MH-1 – Mobile Housing District:

(i) The Solar Energy System shall conform to the height regulations of the zoning district in which the property where the Solar Energy System is to be installed, mounted, built is located;

(ii) Non-Flush Mounted Solar Energy Systems shall not extend above the highest point on the roof line; and,

(iii) Solar Energy Systems shall not project/extend beyond the exterior wall of any building on which said Solar Energy System has been installed, mounted, or built.

(b) For properties zoned B-1 – Neighborhood Business District, B-2 – Central Business District, B-3 – Highway Business District, and I-1 – Industrial District:

(i) The Solar Energy System shall conform to the height regulations of the zoning district in which the property where the Solar Energy System is to be installed, mounted, built is located;

(ii) Non-Flush Mounted Solar Energy Systems shall not extend above the highest point on the roof line or parapet wall; and,

(iii) Solar Energy Systems shall not project/extend beyond the exterior wall of any building on which said Solar Energy System has been installed, mounted, or built.

(C) **Ground Mounted Solar Energy Systems.** Ground Mounted Energy Systems shall be prohibited except by the applicant securing a variance per **Division III** of **Article X** of this Chapter.

(D) **Abandoned Systems.** Any Solar Energy System that is inactive or inoperable for a period of **twelve (12) continuous months** shall be deemed abandoned. If the Solar Energy System is deemed abandoned, the owner is required to repair or remove the Solar Energy System from the property at the owner's expense within **ninety (90) days** after notice from the City. If the owner fails to remove the Solar Energy System, the Zoning Administrator shall enforce this as a violation in accordance with the provisions of **Article IX** of this Chapter.

(Ord. No. 667-19; 07-08-19)

ARTICLE VI - SIGN REGULATIONS

40-6-1 GENERAL PROHIBITION. Any sign not expressly permitted in this Article shall be deemed prohibited.

40-6-2 COMPUTATION OF SIGN AREA ALLOWANCE. Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

40-6-3 DEFINITION OF SIGN AREA. As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign. **(See Figures 3 and 4 at End of Code)**

40-6-4 SPECIAL SITUATIONS.

(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.

(B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-6-5 SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

40-6-6 ILLUMINATION. Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

40-6-7 NONCONFORMING SIGNS. A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

40-6-8 RESTRICTIONS. Any nonconforming sign as defined in **Section 40-6-5** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

40-6-9 STRICTLY PROHIBITED SIGNS. Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the City:

(A) Mobile/Portable Marquees; except that they may be permitted as a temporary sign.

(B) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(C) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Roof-mounted signs, that project or protrude above the highest point of the roof. **(See Section 40-6-11)**

40-6-10 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the City. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. **(See Section 40-6-2)**

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet**; on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Agricultural or Residential District, political signs shall not exceed **eight (8) square feet**; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Political signs shall be allowed anytime and be maintained in good condition. **(Ord. No. 477-11; 01-24-11)**

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet**. Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(F) **Governmental, Public, and Directional Signs:** Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(H) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(I) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: such signs shall not exceed **two (2) square feet** for single-family dwelling, nor **six (6) square feet** for multiple-family dwellings.

(L) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

40-6-11 AGRICULTURAL; RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 40-6-10** shall be erected in the Agricultural District or in any Residential District.

40-6-12 BUSINESS; INDUSTRIAL DISTRICTS. No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-6-2** and **40-6-10**.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

(A) **Flush-Mounted Signs.** No flush-mounted (wall) sign shall:

(1) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or

(2) Extend above the roof line of the building to which it is attached.

(B) **Window Signs.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.

(C) **Projecting Signs.** No establishment shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:

(1) Project above the roof line of the building to which it is attached; or

(2) Extend below a point **eight (8) feet** above the ground or pavement; or

(3) Project over a driveway or beyond the curbline of any public street; or

(4) Project more than **three (3) feet** from the building to which it is attached; or

(5) Extend to a point above **twelve (12) feet**.

(D) **Canopy or Marquee Signs.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs and shall meet the requirements of **Section 40-6-12(A).** Signs suspended beneath a canopy or marquee shall be considered projecting signs and shall meet the requirements of **Section 40-6-12(C).**

(E) **Freestanding Signs.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

(1) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line. **(Ord. No. 410-06; 06-12-060**

40-6-13 TEMPORARY SIGNS. Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through Board of Appeals and the Board of Appeals may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. **(See Sections 40-3-7 and 40-10-29)**

ARTICLE VII - SUPPLEMENTARY OFF-STREET PARKING AND LOADING REGULATIONS

40-7-1 APPLICABILITY OF ARTICLE. Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-7-2 EXISTING PARKING/LOADING FACILITIES.

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such an increase in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

40-7-3 PARKING DESIGN AND MAINTENANCE STANDARDS.

(A) **Spaces.**

(1) Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(2) For multi-family, business and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.

(B) **Interior Aisles.** Aisles within parking lots in Business and Industrial Districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.

(C) **Access Way.**

(1) Parking areas in the Business and Industrial Districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking area shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.

(3) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.

(4) The access way to every parking lot located in any business and industrial zoning district shall be at least **twenty-four (24) feet** wide unless two one-way drives, each **twelve (12) feet** wide, are provided.

(5) The access way to every parking area located in any residential zoning district shall be at least **ten (10) feet** wide; but if the parking area contains more than **eight (8) parking spaces** or if the access way is longer than **one hundred (100) feet**, access shall be provided either by one 2-way drive at least **twenty (20) feet** wide or by two 1-way drives, each at least **ten (10) feet** wide.

(D) **Surfacing.** Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements but shall be constructed of an approved dustless surface. These requirements shall not apply to single-family residential. **(Note: "Oil and chip" is not comparable material.)**

(E) **Lighting.** Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.

40-7-4 LANDSCAPING. In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements but shall be constructed of an approved dustless surface.

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20)** or more parking spaces.

(B) The landscaping plan shall include the following information:

(1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;

(2) Proposed size, construction materials, and drainage of landscaped islands; and

(3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

40-7-5 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings.**

(1) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

(2) All parking spaces accessory to permitted non-dwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within **two hundred (200) feet** of the use served. No commercial vehicle exceeding one ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading, and service call), unless a special use permit has been obtained. No vehicle repair work shall be permitted in any parking lot located in any residential district.

(B) **Business And Industrial Districts.**

(1) Parking spaces accessory to any dwelling located in any business district shall be located within **two hundred (200) feet** of the dwelling. Parking spaces accessory to any other conforming use located in any business or industrial district, shall be located within **five hundred (500) feet** of the use served.

(2) No parking space accessory to any use located in business or industrial district shall be located in any residential district except by

special use permit; and in no case shall any such parking areas extend more than **five hundred (500) feet** into a residential district.

(3) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

40-7-6 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip")**

(D) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on any required front yard.

40-7-7 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees",** unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1)** parking space.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-7-8 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

Use	Parking Spaces Required	Loading Spaces Required (if any)
(A) Dwellings, Lodgings:		
Motels, Boarding houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes & Immobilized homes	2 spaces per unit	Not Applicable
Multi-family dwellings	2 spaces per dwelling unit	Not Applicable
Single-family & two-family dwellings	2 spaces per dwelling unit	Not Applicable
Manufactured Home	2 spaces per dwelling unit	Not Applicable
(B) Educational, Institutional, Recreational:		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
Libraries, museums	1 space per 500 sq. ft. of	On review by the Administrator
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area..1 space; 50,001-100,000 sq. ft...2 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
Senior High	a space for every 4 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
(C) Commercial, Office, Service:		
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Financial Institutions		
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space
Drive-in	5 spaces per teller window	

Use	Parking Spaces Required	Loading Spaces Required (if any)
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not Applicable, except as required for affiliated uses
Car Wash	3 spaces per wash lane	Not Applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not Applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not Applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area

Use	Parking Spaces Required	Loading Spaces Required (if any)
Theaters Indoor	1 space per 4 seats	Not Applicable
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 More than 25,000 sq. ft. of floor area and open lot area... 2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) Industrial:		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space per employees on the major shift	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

ARTICLE VIII - NONCONFORMITIES

40-8-1 PURPOSE OF ARTICLE. The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-8-2 NONCONFORMING LOTS. If the Board of Appeals recommends and the City Council approves a variance for any vacant lot that does not conform to **one (1)** or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

(A) was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto);

(B) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and

(C) is at least **fifty (50) feet** wide.

40-8-2.1 AGRICULTURAL AND RESIDENTIAL DISTRICTS. In the Agricultural District and in any residential district, one single-family dwelling and related accessory structure, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all the bulk regulations of the particular district are observed.

40-8-2.2 COMMERCIAL AND INDUSTRIAL DISTRICTS. In the Industrial District and in any commercial district, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described above if the bulk requirements of that district are met.

40-8-2.3 TWO OR MORE LOTS IN COMMON OWNERSHIP. If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code. **(See Section 40-3-8)**

40-8-3 NONCONFORMING STRUCTURES. Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

(A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.

(B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.

(C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.

(D) **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

As an alternative, the market value may be determined by the Administrator by using the **"state equalized assessed value"** multiplied by the number **three (3).**

The provisions of paragraph (D) shall not apply to single-family dwellings.

40-8-4 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) **Discontinuance of Use.** When a nonconforming use of a structure or of a structure and premises in combination is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-8-5 NONCONFORMING USE OF LAND. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the

applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-8-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE IX - ADMINISTRATION AND ENFORCEMENT

40-9-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of this municipality is hereby established. He shall be appointed by the Mayor with the advice and consent of the City Council for a term of **one (1) year**. The Zoning Administrator shall be the executive head of this office.

40-9-2 DUTIES. The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following duties:

(A) To review applications pertaining to land, structures and the uses of land and/or structures;

(B) To issue or deny initial and final certificates of zoning compliance;

(C) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;

(D) To receive, file and forward to the Board of Appeals all applications for variances and appeals;

(E) To receive and file all applications for amendments and special use permits;

(F) To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;

(G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year;

(H) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and

(I) To provide information to the general public on topics related to this Code; and

(J) To republish the zoning district map not later than March 31st if any rezonings or annexations have been approved during the preceding calendar year. **(See Section 40-3-3)**

40-9-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Code.

40-9-4 ZONING APPLICATION. Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee required in Section 40-9-14.)**

ITEMS OF INFORMATION:

(A) Name and address of the applicant;

(B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);

(C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;

(D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;

(E) Area and dimensions of the site for the proposed structure or use;

(F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;

(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;

(H) Height, setbacks, and lot coverage of the proposed structures;

(I) Number and size of proposed dwelling units, if any;

(J) Location and number of proposed parking/loading spaces and access ways;

(K) Identification and location of all existing and proposed utilities, whether public or private; and/or

(L) Location and square footage of existing and proposed signs by type and class.

40-9-5 DURATION OF CERTIFICATE. Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. **(See Section 40-9-7)**

40-9-6 RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The City in compliance with the **Illinois Architecture Practice Act of 1989** and effective **January 1, 1992 (See 225 ILCS 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one- and two-family residences, shall require architectural plans with an architect's seal from a licensed architect.

40-9-7 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof that has been recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, **by inspection**, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with the approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-9-8 CORRECTIVE ACTION ORDERS. Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party and shall institute appropriate measures to secure compliance.

40-9-9 CONTENTS OF ORDER. The order to take corrective action shall be in writing and shall include:

(A) A description of the premises sufficient for identification;

(B) A statement indicating the nature of the violation;

(C) A statement of the remedial action necessary to effect compliance;

(D) The date by which the violation must be corrected;

(E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;

(F) The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and

(G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-9-10 SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

(A) Served upon him personally;

(B) Sent by certified mail to his last known address; or

(C) Posted in a conspicuous place on or about the affected premises.

40-9-11 STOP ORDERS. Whenever any work being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. **(See Section 40-9-9(D))**

40-9-12 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-9-13 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-9-14 FEES. The City Council establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the City Clerk as follows:

(A) **Zoning Occupancy Fees:**

Single-Family Dwelling	$25.00
Multi-Family Dwelling	$25.00
Commercial or Business Structure	$25.00
Industrial Structure	$100.00
Mobile Home Unit/Manufactured Home/ Immobilized	$25.00
Accessory Building (larger than 100 sq. ft.)	$10.00 per building
Structural Additions	$10.00
Plan Development	$500.00
Mobile Home Park Permit	$500.00
Miscellaneous Permit (i.e. Parking Lot, Deck, Pool, Driveway, etc.)	$10.00
Sign Permit	$10.00

All fees for the above projects that are started prior to obtaining the Zoning Occupancy Permit and/or paying the fees shall be doubled.

(B) **Board of Appeals Fees:**

Interpretation of Code (Appeal)	$50.00 and publication costs
Special-Use Permit	$50.00 and publication costs
Variance Permit	$50.00 and publication costs
Amendments	$50.00 and publication costs

40-9-15 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars ($75.00),** nor more than **Seven Hundred Fifty Dollars ($750.00),** plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE X - SPECIAL PROCEDURES AND PERMITS

DIVISION I - BOARD OF APPEALS

40-10-1 ZONING BOARD OF APPEALS. The Zoning Board of Appeals is hereby established in accordance with Illinois law. The Zoning Board of Appeals shall hereinafter be referred to as the Board of Appeals. **(See 65 ILCS 5/11-13-3)**

40-10-2 MEMBERSHIP, APPOINTMENT, COMPENSATION. The Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within the City. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. The Board of Appeals shall select **one (1)** of its members to be the vice-chairman and **one (1)** the secretary. Each Board member shall receive compensation as established by the City Council.

40-10-3 TERM OF OFFICE - VACANCIES. Every member of the Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Board of Appeals established by this Section until the date his term of office would have expired if the former Zoning Code had remained in effect. Any person appointed to the Board of Appeals on or after the effective date of this Code shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the City Council, the Mayor may remove any member of the Board of Appeals for cause after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

40-10-4 MEETING--QUORUM. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board of Appeals may determine. All Board meetings shall be open to the public. The Board of Appeals may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board of Appeals may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board of Appeals shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board of Appeals action. **(See Section 40-10-6 for vote on decisions of Board of Appeals.)**

40-10-5 RECORDS. The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or recommendation of the Board of Appeals shall be filed immediately with the City Clerk and shall be a public record.

40-10-6 DECISIONS. The concurring vote of **four (4) members** of the Board of Appeals shall be necessary to recommend a variance or special-use permit or to recommend an amendment to the City Council. Failure to receive **four (4) concurring votes** results in a denial of the motion. Any tie less than the **four (4)** concurring votes also results in a denial of an application/appeal. The recommendation of the Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the City Council. **(Ord. No. 410-06; 06-12-06)**

40-10-7 PERIOD OF VALIDITY. No decision by the City Council granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. However, the City Council may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-10-8 RESERVED. (Ord. No. 410-06; 06-12-06)

40-10-9 OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS. The Secretary of the Board of Appeals shall be appointed by the Board of Appeals to serve a until a successor is appointed. The Secretary shall record the minutes of the Board of Appeal's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Board of Appeals.

40-10-10 - 40-10-11 RESERVED.

DIVISION II - APPEALS

40-10-12 NATURE OF AN APPEAL. Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(See 65 ILCS 5/11-13-12)**

40-10-13 FILING, RECORD TRANSMITTAL. Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(See 65 ILCS 5/11-13-12) (See 70 ILCS 405/22.02A)**

40-10-14 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(See 65 ILCS 5/11-13-12)**

40-10-15 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

(A) By publication in a newspaper of general circulation within this municipality; and

(B) By certified mail to the applicant; and,

(C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

(See 65 ILCS 5/11-13-12)

40-10-16 DECISION BY BOARD OF APPEALS. The Board of Appeals shall render a decision on the appeal within **thirty (30) days** after the hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the power of the Administrator. **(See 65 ILCS 5/11-13-3 and 5/11-13-12)**

ED. NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the Zoning Administrator. (See 65 ILCS 5/11-13-3)

40-10-17 RESERVED.

DIVISION III - VARIANCES

40-10-18 VARIANCES.

(A) A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure.

(B) A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment and should be granted only as provided for in **Section 40-10-30**.

40-10-19 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Board of Appeals. The application shall contain sufficient information to allow the Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee required.) [See 70 ILCS 405/22.02(A)]**

(A) Name and address of the applicant;

(B) Location of the structure/use for which the variance is sought;

(C) Brief description of adjacent lots, structures, and/or uses;

(D) Brief description of the problems/circumstances engendering the variance request;

(E) Brief, but specific, explanation of the desired variance;

(F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and

(G) Any other pertinent information that the Administrator may require.

40-10-20 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

(A) By certified mail to the applicant and

(B) By publication in a newspaper of general circulation within the municipality and,

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed variance. **(See 65 ILCS 5/11-13-7)**

40-10-21 STANDARDS FOR VARIANCES. The Board of Appeals shall not recommend any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board of Appeals shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

(A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and

(B) The plight of the owner is due to peculiar circumstances; and

(C) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(D) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate the implementation of this municipality's comprehensive plan. **(See 65 ILCS 5/11-13-5)**

40-10-22 DECISION BY BOARD OF APPEALS. The Board of Appeals shall decide on every variance request within **thirty (30) days** after the final hearing thereon. A copy of the Board of Appeal's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Board of Appeals shall specify the terms of relief recommended (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for recommending or denying any requested variance.

40-10-23 RESERVED.

DIVISION IV - SPECIAL USES

40-10-24 SPECIAL-USE PERMITS. This Code divides the City into various districts and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review and may be allowed only after review and approval by the Board of Appeals.

40-10-25 APPLICATION. Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Board of Appeals for further consideration. **(NOTE: Filing fee required in Section 40-9-14)**

ITEMS OF INFORMATION:

(A) Name and address of the applicant;
(B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
(C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
(D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
(E) Area and dimensions of the site for the proposed structure or use;
(F) Existing topography of the site and proposed finished grade;
(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
(H) Height and setbacks of the proposed structure;
(I) Number and size of the proposed dwelling units, if any;
(J) Number and location of proposed parking/loading spaces and access ways;
(K) Identification and location of all existing or proposed utilities, whether public or private; and/or
(L) Any other pertinent information that the Administrator may require;
(M) Location of any signs.

40-10-26 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:
(A) By certified mail to the applicant; and,
(B) By publication in a newspaper of general circulation within this municipality.
(C) By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. **(See 65 ILCS 5/11-13-7)**

40-10-27 ADVISORY REPORT, FACTORS CONSIDERED. Within **thirty (30) days** after the public hearing, the Board of Appeals shall prepare an advisory report. In deciding the recommendation, the Board of Appeals shall consider the following factors:
(A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
(B) Whether the proposed special use is consistent with this municipality's comprehensive plan, if any:
(C) The effect the proposed special use would have on the value of neighboring property and on this municipality's overall tax base;
(D) The effect the proposed special use would have on the public utilities and on the traffic circulation on nearby streets; and
(E) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

40-10-28 DECISION - FINDINGS OF FACTS. The Board of Appeals shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with State law, the Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and **their findings of fact in another statement**. The finding of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Board of Appeal's reasons for granting, with or without modifications

and/or conditions, or denying the requested special-use permit. **(See 65 ILCS 5/11-13-1.1 and 5/11-13-11)**

[ED. NOTE: The applicants and property owners for a variation or special-use should review Sec. 5/11-13-7A of the Illinois Compiled Statutes relative to subpoenas for persons to appear at the zoning hearings.]

40-10-29 TEMPORARY USE PERMITS: PROCEDURE FOR. As set forth at **Section 40-3-7**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Board of Appeals shall issue no temporary use permit for a period longer than **one (1) year** but may renew such permit as they see fit.

DIVISION V - AMENDMENTS

40-10-30 AMENDMENTS. The City Council may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the City Council, the Board of Appeals, the Plan Commission, the Zoning Administrator or any party in interest. **(See 65 ILCS 5/11-13-14)**

40-10-31 FILING. Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Board of Appeals for a public hearing. **(NOTE: Filing fee required.)**

40-10-32 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By certified mail to the applicant; and,

(B) By publication in a newspaper of general circulation within the municipality.

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment. **(See 65 ILCS 5/11-13-14)**

40-10-33 ADVISORY REPORT - FINDINGS OF FACT. Within **thirty (30) days** after the public hearing, the Board of Appeals shall submit their advisory report to the City Council. The report shall state the recommendations of the Board of Appeals regarding adoption of the proposed amendment and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

(A) Existing use and zoning of the property in question;

(B) Existing uses and zoning of other lots in the vicinity of the property in question;

(C) Suitability of the property in question for uses already permitted under existing regulations;

(D) Suitability of the property in question for the proposed use;

(E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

40-10-34 ACTION BY CITY COUNCIL. The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Board of Appeals. Without further public hearing, the City Council may approve or disapprove any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

40-10-35 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least **two-thirds (2/3)** of the members of the City Council is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

40-10-36 NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(See 65 ILCS 5/11-13-14)