

VILLAGE CODE
of
SOUTH PEKIN
ILLINOIS

1995



STERLING CODIFIERS
3906 Schreiber Way
Coeur d'Alene, ID 83815
(208) 665-7193



ORDINANCE NO. 372

AN ORDINANCE ADOPTING THE VILLAGE CODE OF SOUTH PEKIN, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of South Pekin, Illinois, an Illinois Municipal Corporation:

Section 1: From and after the date of passage of this Ordinance, the Village Code of the Village of South Pekin, Illinois, prepared by Sterling Codifiers, Inc., containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the Village, shall be accepted in all courts without question as the Official Code and Law of the Village as enacted by the President and Board of Trustees.

Section 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the Official Village Code is identified by the proper catchline and is inserted in the proper place in each of the official copies, three (3) copies of which shall be maintained in the office of the Village Clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.

Section 3: All ordinances of a general nature included in this Official Village Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official Village Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the Village Code. Such ordinances are not intended to be included in the Official Village Code.

Section 4: It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby.

Section 5: All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 6: This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and approval in accordance with law, as printed and published in book form by order of the President and Board of Trustees.

INTRODUCED: 7

PASSED: 28 Mar '95

APPROVED: Harry J. Schlatterman
President



ATTEST:

Judith Schultz
Village Clerk

RECORDED: _____

PUBLISHED: _____

PREFACE

This village code of the village of South Pekin, as supplemented, contains ordinances and resolutions up to and including ordinance 484, passed March 10, 2014, and resolution 410R, passed October 11, 2004. Ordinances and resolutions of the village adopted after said ordinance and resolution supersede the provisions of this village code to the extent that they are in conflict or inconsistent therewith. Consult the village office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers
Coeur d'Alene, Idaho

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ADMINISTRATION

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ADMINISTRATION

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CHAPTER 1

OFFICIAL VILLAGE CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Custody of Code; Public Inspection
- 1-1-5: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of South Pekin. This Village Code of ordinances shall be known and cited as the *SOUTH PEKIN VILLAGE CODE* and is hereby published by authority of the Board of Trustees and shall be supplemented to incorporate the most recent legislation of the Village as provided in Section 1-1-3 of this Chapter. 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 title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Village Code by title in any legal documents. (1995 Code)

1-1-2: **ACCEPTANCE:** The Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1995 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending the Village Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments

or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code. (1995 Code)

1-1-4: CUSTODY OF CODE; PUBLIC INSPECTION:

- A. Custody and Distribution: All the printed books containing the Code of Ordinances shall be deposited with the Village Clerk. The Clerk shall deliver one copy thereof to each officer of the Village and to such other persons as the Board of Trustees may direct. The President or Village Clerk shall have the power to extend or to reciprocate courtesies of other municipal corporations by presenting to them a copy of the Code. (1970 Code §1-1-12)
- B. Copies Available for Inspection: The Village Clerk shall keep at least three (3) copies of this Village Code available for public inspection in accordance with 65 Illinois Compiled Statutes 5/1-3-2. (1970 Code §1-1-18; 1995 Code)

1-1-5: CODE ALTERATIONS: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Village 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 Board of Trustees. The Village 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 a copy of the Village Code shall make every effort to maintain said Code current as to the most recent ordinances passed. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Village Clerk when directed so to do by order of the Board of Trustees. (1995 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Ways and Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:**

- A. Repeal of Ordinances; Exceptions: All general ordinances of the Village passed prior to the adoption of this Village Code are hereby repealed, except such as are included in this Village Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village; and all special ordinances. (1995 Code)
- B. Effect of Repeal of Ordinances:
 - 1. The repeal of such prior ordinances shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
 - 2. The repeal of such prior ordinances shall not affect any punishment or penalty incurred before the repeal took effect, nor any

suit, prosecution or proceeding ending at the time of the repeal, nor the liability of any person, firm or corporation, nor waive any right of the Village under any section or provision of ordinances existing at the time of the adoption of this Code. (1970 Code §1-1-5)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to 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 Village Code or by virtue of the preceding Section, excepting as the Village Code may contain provisions for such matters, in which case, this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1995 Code)

1-2-3: **COURT PROCEEDINGS:**

- A. 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 may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. 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.
- C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the

Village under any ordinance or provision thereof in force at the time of the adoption of this Village Code. (1995 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Village Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1995 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines and Headings of Sections

1-3-1: **CONSTRUCTION OF WORDS:**

- A. Whenever any word in any section of this Village 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 Village 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 Village Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. The word "ordinance" contained in the ordinances of the Village has been changed in the content of this Village Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the Village's ordinances is not meant to amend passage and effective dates of such original ordinances. (1995 Code)
- C. "Or" may be read "and" and "and" may be read "or", if the sense requires it.
- D. The words "preceding" and "following" mean "next before" and "next after", respectively.

- E. "Shall", whenever appearing in this Code, shall be considered mandatory and not directory. (1970 Code §1-1-2)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code, they shall have such meaning herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT:	A person acting on behalf of another with authority conferred, either expressly or by implication.
BOARD OF TRUSTEES:	The Board of Trustees of the Village of South Pekin.
CODE:	The Municipal Code of the Village of South Pekin.
COMPUTATION OF TIME:	The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or a legal holiday, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.
COUNTY:	Tazewell County in the State of Illinois.
DELEGATION OF AUTHORITY:	Whenever a provision appears requiring the head of a department of the Village to do some act or make certain inspections, it shall be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designates otherwise.
EMPLOYEES:	Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of South Pekin".

FEE:	A sum of money charged by the Village for the carrying on of a business, profession or occupation. (1970 Code §1-1-2; 1995 Code)
FISCAL YEAR:	The fiscal year of the Village is hereby established and determined to commence on May 1 in each year. (1970 Code §1-1-16)
JOINT AUTHORITY:	Words purporting to give a joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
LIMITS:	The corporate limits of the Village of South Pekin.
MAYOR:	The Mayor of the Village of South Pekin, also known as the "Village President".
MONTH:	A calendar month.
NUISANCE:	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the Village, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
OATH:	Includes an affirmation, and the word "sworn" shall be construed to include the word "affirmed".
OCCUPANT or TENANT:	As applied to a building or land, shall include any person who holds a written or an oral lease of or actually occupies the whole or any part of such building or land whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

- OFFICER:** Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of South Pekin". (1970 Code §1-1-2; 1995 Code)
- OFFICIAL TIME:**
- A. Central Standard Time shall be the official time within the Village for the transaction of all Village business; provided, that from two o'clock (2:00) A.M. on the last Sunday in April in each year, official time for the Village shall be advanced one hour. At two o'clock (2:00) A.M. on the last Sunday in October in each year such official time shall, by the retarding of one hour, be returned to Central Standard Time.
- B. All legal or official proceedings of the Board of Trustees and all official business of the Village shall be regulated as to time in accordance with the provisions of this definition. When by ordinance, resolution or action of any Municipal officer or body, an act must be performed at or within a prescribed time, it shall be performed according to the official time as herein proscribed. When the words "Daylight Savings" or "Daylight Savings Time" are used in any official document or contract, it shall be understood to have reference to the time herein fixed for the period from the last Sunday in April to the last Sunday in October. (1970 Code §1-1-17)
- OPERATOR:** 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 include, mean and be applied to any natural individual, firm, partnership, association, joint stock company, executor, trustee, conservator or other representative appointed by order of any court or in any other manner.

PERSONAL PROPERTY:	Means and includes every species of property, except real property as defined by this Section.
PREMISES:	Such land, lot, parcel, real property, building or place, as the text indicates.
PRESIDENT:	The President of the Village Board of Trustees of South Pekin.
PROPERTY:	Means and includes real and personal property.
REAL PROPERTY:	Means and includes lands, tenements and hereditaments and shall embrace all chattels real.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
SIDEWALK:	That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
STATE:	The State of Illinois.
STREET:	The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic. It shall include any alley, highway, lane, avenue, court, thoroughfare, way, parkway or boulevard.
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.
VILLAGE:	The Village of South Pekin. The term "Village" shall be construed as if the words "of South

Pekin" followed and shall extend to and include its several officers, agents and employees.

WHOLESALER:

The terms "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 to persons who purchase for the purpose of resale.

WRITTEN, 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, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

YEAR:

A calendar year unless otherwise expressed. (1970 Code §1-1-2; 1995 Code)

1-3-3: CATCHLINES AND HEADINGS OF SECTIONS: The catchlines and headings of the sections of this Village 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 be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1995 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY¹:**

- A. Code Violations: Unless specifically provided elsewhere, any person found to have been in violation of any of the terms and provisions of this code shall be fined in an amount not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence. (1995 Code; amd. Ord. 422, 3-10-2003)
- B. Misdemeanors: If, by the terms of an ordinance, an act that would be consistent with the criminal laws of the state is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than a penitentiary not to exceed six (6) months. The matter shall be prosecuted under the rules of criminal procedure of the state, and the village shall be required to establish guilt beyond a reasonable doubt. (1995 Code)

1. 65 ILCS 5/1-2-1, 5/1-2-1.1.

1-4-2: APPLICATION OF PROVISIONS:

- A. **Applicability:** The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.
- B. **Multiple Penalties:** In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one 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. **Acts Or Omissions:** Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (1995 Code)

1-4-3: LIABILITY OF OFFICERS: 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 for a failure to perform such duty, unless the intention of the board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1995 Code)

CHAPTER 5
BOARD OF TRUSTEES

SECTION:

- 1-5-1: Election; Functions
- 1-5-2: Oath; Salary
- 1-5-3: Meetings
- 1-5-4: Village President
- 1-5-5: Ordinances
- 1-5-6: Rules Of Order

1-5-1: **ELECTION; FUNCTIONS:** The board of trustees, consisting of six (6) members, shall be elected to office for a four (4) year term, according to the method provided by statute. This board shall be the legislative department of the village government, and shall perform such duties and have such powers as may be delegated to it by statute¹. (1970 Code §1-3-1-1)

1-5-2: **OATH; SALARY:** The members of the board of trustees shall take the oath of office prescribed by statute², and shall receive such compensation as they may set from time to time. (1970 Code §1-3-1-2)

1-5-3: **MEETINGS:**

- A. **Regular Meetings:** The village board shall hold its regular meetings in the village hall on the second Monday of each month, beginning on January 10, 2005, and no notice of such regular meeting shall be required.
- B. **Special Meetings:** Special meetings may be called by the president of the village or any three (3) trustees upon at least twenty four (24)

1. 65 ILCS 5/3.1-10-50, 5/3.1-15-5, 5/3.1-24-5.
 2. 65 ILCS 5/3.1-10-25. See also section 1-10-4 of this title.

hours' notice to all members and the president; provided, that if all of the trustees are present at a special meeting, no notice of such meeting shall be necessary and such notice shall be deemed waived. (Ord. 430, 11-11-2004)

- C. **Open To The Public:** All meetings of the board of trustees shall be open to the public subject to limitations provided by ordinance¹. (1970 Code §1-3-2-10)
- D. **Disturbing Meetings:** It shall be unlawful for any person to disturb any meeting of the board of trustees or of any committee thereof. Any person violating the provisions of this subsection shall be subject to penalty as provided in section 1-4-1 of this code for each offense. (1970 Code §1-3-2-9; amd. 1995 Code)

1-5-4: VILLAGE PRESIDENT²:

- A. **Presiding Officer:** The village president shall be the presiding officer of all regular and special meetings of the board of trustees and at all times when the board meets as a committee of the whole³. (1970 Code §1-3-1-4)
- B. **Deciding Vote:** The village president shall not vote on any ordinance, resolution or motion except: 1) where the vote of the trustees has resulted in a tie; 2) where one-half ($1/2$) of the trustees have voted in favor of an ordinance, resolution or motion even though there is no tie vote. In both instances specified, the village president shall vote. Nothing in this subsection shall deprive a president pro tem from voting in his capacity as a trustee, but he shall not be entitled to another vote in his capacity as president pro tem. (1970 Code §1-3-1-5)

1-5-5: ORDINANCES:

- A. **Approval; Veto:** All resolutions and motions: 1) which create any liability against the village, or 2) which provide for the expenditure of

1. 5 ILCS 120/1.
 2. See also chapter 6 of this title.
 3. 65 ILCS 5/3.1-40-30.

its money, or 3) to sell any Village property, and all ordinances passed by the Village Board shall be deposited with the Village Clerk. If the Village President approves of them, he shall sign them. Those of which he disapproves, he shall return to the Village Board, with his written objections, at the next regular meeting of the Village Board occurring not less than five (5) days after their passage. The Village President may disapprove of any one or more sums appropriated by any ordinance, resolution or motion making an appropriation, and if so, the remainder shall be effective. However, the Village President may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the Village President fails to return any ordinance or any specified resolution with his written objections prior to the next regularly scheduled board meeting, it shall become effective despite the absence of his signature¹. (1970 Code §1-3-1-6; 1995 Code)

B. Reconsideration; Passing Over Veto: Every resolution and motion specified in the preceding subsection, and every ordinance, which is returned to the Board of Trustees by the Village President shall be reconsidered by the Board of Trustees. If, after such reconsideration, two-thirds ($\frac{2}{3}$) of all the Trustees elected to the Village Board shall agree to pass an ordinance, resolution or motion, notwithstanding the President's refusal to sign it, then it shall be effective. The vote on the question of passage over the President's veto shall be by yeas and nays, and shall be recorded in the journal. (1970 Code §1-3-1-7)

C. Record and Memorandum of Ordinances:

1. All ordinances passed by the Board of Trustees shall be recorded by the Village Clerk in a proper book with indexes. The original shall be filed in the office of the Village Clerk, and due proof of publication of all ordinances requiring publication shall be procured by the Clerk, and such proof or affidavit of publication shall be attached to and filed away with the ordinances. The Clerk shall also note in his book of ordinances at the foot of the record of each ordinance a memorandum of the date of passage and, if published or posted, the date of the publication or posting of such ordinance. (1970 Code §1-1-7)

2. The record and memorandum required by the preceding subsection, or a certified copy thereof, shall be prima facie evidence

1. S.H.A. 65 ILCS 5/3.1-40-45.

of the contents, passage and publication or posting of ordinances. (1970 Code §1-1-8)

D. Proof of Ordinances¹:

1. The contents of all Village ordinances, the date of passage and the date of publication or posting, where required, may be proved by the certificate of the Village Clerk, under the Seal of the Village.

2. Whenever Village ordinances are printed in book or pamphlet form and purport to be published by authority of the Board of Trustees, such book or pamphlet shall be prima facie evidence of the contents, passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and administrative tribunals. (1970 Code §1-1-9)

E. Ordinances to be Signed: All ordinances passed by the Board of Trustees must be signed by the Village President. (1970 Code §1-1-10)

F. Publication of Ordinances: The President shall cause to be prepared and published all ordinances of the Village². (1970 Code §1-1-11)

1-5-6: **RULES OF ORDER:**

A. Order of Business: The order of business of the Board of Trustees of the Village shall be as follows:

1. Roll call.
2. Reading minutes of previous meeting.
3. Reports of standing committees.
4. Reports of special committees.
5. Special reports.
6. Unfinished business.

1. S.H.A. 65 ILCS 5/1-2-6.

2. S.H.A. 65 ILCS 5/1-2-4.

7. Claims, petitions, ordinances, resolutions and miscellaneous business.

8. Adjournment. (1970 Code §1-3-2-1)

- B. Rescinded Action: No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken. (1970 Code §1-3-2-2)
- C. Resolutions: Any resolution submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two (2) members of the Board. (1970 Code §1-3-2-3)
- D. Addressing Meetings: No person other than the President or a member of the Board shall address that body at any regular or special meeting except upon consent of a majority of the members present. (1970 Code §1-3-2-4)
- E. Suspension of Rules: The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting. (1970 Code §1-3-2-5)
- F. Robert's Rules of Order: "Robert's Rules of Order" shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules. (1970 Code §1-3-2-6)
- G. Quorum: A majority of the Trustees or three (3) Trustees and the Village President shall constitute a quorum to do business. (1970 Code §1-3-2-7)
- H. Committees:

1. The following shall be the standing committees of the Board of Trustees:

Buildings, Grounds and Park
 Finance
 Health, Safety and Sanitation
 Police, Fire and EMA
 Streets and Alleys
 Water
 (Ord. 263, 4-16-79; 1995 Code)

2. Special committees shall be created from time to time as directed by the Board of Trustees.

3. All standing and special committees shall consist of three (3) members each, including the chairman, unless the Board shall otherwise direct.

4. All committees shall be appointed by the President. (1970 Code §1-3-2-8)

CHAPTER 6

VILLAGE PRESIDENT

SECTION:

- 1-6-1: Election; Term of Office
- 1-6-2: Bond; Oath; Salary
- 1-6-3: Duties
- 1-6-4: President Pro Tem

1-6-1: **ELECTION; TERM OF OFFICE:** The Village President shall be elected for a term of four (4) years, and he shall be the President of the Board of Trustees, as is provided by statute¹. (1970 Code §1-2-1)

1-6-2: **BOND; OATH; SALARY:** Before entering upon the duties of his office, the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon his faithful performance of his duties, in the sum of five thousand dollars (\$5,000.00)². He shall take the oath of office as prescribed by Section 1-10-4 of this Title and shall receive such compensation as may be set from time to time by the Board³. (1970 Code §1-2-4; 1995 Code)

1-6-3: **DUTIES:**

- A. Generally: The Village President shall be the chief executive officer of the Village, and he shall perform all such duties as may be required of him by statute or ordinance. He shall have supervision over all the executive officers of the Village, and over all of the employees of the Village. He shall have the power and authority to

1. S.H.A. 65 ILCS 5/3.1-15-5, 5/3.1-15-10.
2. S.H.A. 65 ILCS 5/3.1-10-30.
3. S.H.A. 65 ILCS 5/3.1-10-25.

inspect all books and records kept by any Village officer or employees at any reasonable time. (1970 Code §1-2-2)

- B. Designation of Duties of Officers: Whenever there is a question as to the respective powers or duties of any appointed officer of the Village, this shall be settled by the President; and he shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty. (1970 Code §1-2-3)

1-6-4: **PRESIDENT PRO TEM:** During the temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President Pro Tem who, during the absence or disability of the President, shall perform the duties pertaining to the office. (1970 Code §1-2-5)

CHAPTER 7
VILLAGE CLERK

SECTION:

- 1-7-1: Election; Compensation
 1-7-2: Bond
 1-7-3: Duties
 1-7-4: Custodian of City Seal

1-7-1: **ELECTION; COMPENSATION:** The Village Clerk shall be elected and serve for a four (4) year term and until his successor is appointed and qualified as is provided by statute, and shall receive such sum as provided by the Board of Trustees for each meeting of the Board of Trustees actually attended by him¹. (1970 Code §1-4-1)

1-7-2: **BOND:** Before entering upon the duties of his office, the Clerk shall execute a bond in the sum of five thousand dollars (\$5,000.00)². (1970 Code §1-4-2; 1995 Code)

1-7-3: **DUTIES:**

- A. Signatures: The Clerk shall seal and attest all contracts of the Village, and all licenses, permits and other documents as shall require this formality. (1970 Code §1-4-3)
- B. Money Collected: The Clerk shall turn over all monies received by him on behalf of the Village to the Treasurer promptly on receipt of the same, and with such monies he shall give a statement as to the source thereof. (1970 Code §1-4-4)

1. S.H.A. 65 ILCS 5/3.1-15-5, 5/3.1-25-90.
 2. S.H.A. 65 ILCS 5/3.1-10-30.

- C. Accounts: The Clerk shall keep accounts showing all monies received by him, and the source and disposition thereof; and such other accounts as may be required by statute or ordinance. (1970 Code §1-4-5)
- D. Records: In addition to the record of ordinances and other records which the Clerk is required by statute to keep, he shall keep a register of all licenses and permits issued, in all cases where such a record is not directed to be kept by some other official of the Village, and payments thereon. And he shall keep such other records as may be required by the Board of Trustees. (1970 Code §1-4-6)

1-7-4: **CUSTODIAN OF CITY SEAL:** The Clerk shall be the custodian of the Village Seal, and shall affix its impression on documents whenever this is required¹. (1970 Code §1-4-7)

1. S.H.A. 65 ILCS 5/3.1-35-90.

CHAPTER 8

VILLAGE TREASURER

SECTION:

- 1-8-1: Appointment; Compensation
1-8-2: Bond
1-8-3: Duties

1-8-1: **APPOINTMENT; COMPENSATION:** There is hereby created the office of Treasurer, who shall be appointed by the President and Board of Trustees as is provided by statute, and he shall receive such compensation as may be set from time to time by the Board of Trustees¹. (1970 Code §1-5-1)

1-8-2: **BOND:** The Treasurer shall give a bond before entering upon his duties in the sum required by the Board of Trustees, but such amount shall not be less, nor more, than that required by statute². This bond shall be conditioned upon the faithful performance by the Treasurer of his duties, and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer. (1970 Code §1-5-2)

1-8-3: **DUTIES:**

- A. Generally: The Treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all monies paid into the Village, either directly from the person paying the money, or from the hands of such other official or employee as may receive it, and he shall pay out money only on vouchers or

1. S.H.A. 65 ILCS 5/3.1-50-10.
2. S.H.A. 65 ILCS 5/3.1-10-30.

orders properly signed by the President and Clerk of the Village¹. (1970 Code §1-5-3)

- B. Deposit of Funds: The Treasurer shall deposit the Village funds in such depositories as may be selected from time to time as is provided by law²; and he shall keep the deposit of the Village money separate and distinct from his own money, and shall not make private or personal use of any Village money³. (1970 Code §1-5-4)
- C. Records: The Treasurer shall keep the records showing all monies received by him, showing source from which it is received and the purpose for which it is paid, and he shall keep records at all times showing the financial status of the Village. (1970 Code §1-5-5)
- D. Accounting: The Treasurer shall keep such books and accounts as may be required by statute or ordinance, and he shall keep them in the manner required by the Board of Trustees⁴. (1970 Code §1-5-6)

1. S.H.A. 65 ILCS 5/3.1-35-40.

2. S.H.A. 65 ILCS 5/3.1-35-50.

3. S.H.A. 65 ILCS 5/3.1-35-55.

4. S.H.A. 65 ILCS 5/3.1-35-60.

CHAPTER 9

VILLAGE ATTORNEY

SECTION:

- 1-9-1: Office Created; Appointment
1-9-2: Duties
1-9-3: Retaining Law Firm to Act as Village Attorney

1-9-1: **OFFICE CREATED; APPOINTMENT:** There is hereby created the office of Village Attorney, an executive office of the Village. The Attorney shall be appointed by the President by and with the advice and consent of the Board of Trustees¹. (1970 Code §1-6-1)

1-9-2: **DUTIES:**

- A. Suits and Actions: The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the Village, or in the capacity of such person as an officer of the Village. (1970 Code §1-6-2)
- B. Enforcement of Judgments: It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the Village, and of all similar interlocutory orders. (1970 Code §1-6-3)
- C. Render Advice: The Attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting the Village whenever requested to do so by any Village official. Upon request by the President or by the Board of Trustees, he shall reduce any such opinion to writing. (1970 Code §1-6-4)

1. S.H.A. 65 ILCS 5/3.1-30-5.

- D. Special Assessments: It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings. (1970 Code §1-6-5)
- E. Ordinances and Documents: It shall be the duty of the Attorney to draft or supervise the phraseology of any contract, lease or other documents or instruments, to which the Village may be a party; and upon request of the Board to draft ordinances covering any subjects within the power of the Village. (1970 Code §1-6-6)

1-9-3: **RETAINING LAW FIRM TO ACT AS VILLAGE ATTORNEY:** The Board of Trustees is hereby authorized to retain a law firm, be it a partnership, corporation or professional association, to act as its legal adviser, to represent the Village in litigation except where the Board directs otherwise, to draft all contracts, ordinances and other documents needed by the Village, to advise the Village officers and employees on matters pertaining to their duties and to render such other legal services as may be required by the Board. The Board of Trustees is further authorized to appoint one or more members of said law firm to act in the capacity of Village Attorney and to carry out the abovementioned duties. (1970 Code §1-6-7)

CHAPTER 10

OFFICERS AND EMPLOYEES

SECTION:

- 1-10- 1: Effect Of Provisions
- 1-10- 2: Qualifications For Office
- 1-10- 3: Appointive Officers To Be Commissioned
- 1-10- 4: Oath Of Office
- 1-10- 5: Bonds And Sureties
- 1-10- 6: Term Of Office
- 1-10- 7: Assignment Of Duties
- 1-10- 8: Records Open To Inspection
- 1-10- 9: Removal Of Officers And Employees
- 1-10-10: Duty Upon Termination Of Office
- 1-10-11: Compensation
- 1-10-12: Pecuniary Interest In Contract; Free Service
- 1-10-13: Building Inspector
- 1-10-14: Zoning Enforcing Officer
- 1-10-15: Health And Sanitation Officer
- 1-10-16: Sewer Inspector

1-10-1: **EFFECT OF PROVISIONS:** The provisions of this chapter, unless otherwise indicated or inconsistent with state law or provisions contained elsewhere in this code, shall apply to all officers and employees of the village whether elected or appointed. (1970 Code §1-13-1)

1-10-2: **QUALIFICATIONS FOR OFFICE¹:** No person shall be eligible to any village office unless he is a qualified elector of the village and has resided therein at least one year next preceding his election or appointment. However, these requirements shall not apply to those positions which require technical training or knowledge, nor shall these requirements apply to village attorneys. No person shall be eligible to any village office who is a defaulter to the village. (1970 Code §1-13-2)

1. 65 ILCS 5/3.1-10-5.

1-10-3: **APPOINTIVE OFFICERS TO BE COMMISSIONED:** All village officers appointed by the board of trustees shall be commissioned as provided in 65 Illinois Compiled Statutes 5/3.1-10-35, by the village president issuing a certificate of appointment, under the corporate seal, to the village clerk. (1970 Code §1-13-3)

1-10-4: **OATH OF OFFICE¹:**

A. Every officer of the village, whether elected or appointed, shall, before entering upon the duties of office, take and subscribe an oath or affirmation which may be substantially in the following form:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Illinois, and will faithfully discharge the duties of the office of _____ of the Village of South Pekin, Illinois, according to the best of my ability.

B. This oath or affirmation shall be filed with the village clerk, when subscribed. (1970 Code §1-13-4)

1-10-5: **BONDS AND SURETIES²:**

A. Requirement; Filing:

1. The board of trustees may require a bond of any officer or employee before entering upon the duties of his office where such a bond has not already been provided for in this code. The bond shall be conditioned for the faithful performance of the duties of the office and the payment of all monies received by the officer and shall be payable to the village in such sums as may in the future be provided.

2. Whenever any officer shall be appointed by the board of trustees to perform the duties of an additional office, his bond shall be rewritten so as to cover such additional duties as heretofore provided.

1. 65 ILCS 5/3.1-10-25.

2. 65 ILCS 5/3.1-10-30.

3. All certificates of bonds shall be filed with, recorded and preserved by the Village Clerk, except the bond of the Village Clerk, which shall be filed with, recorded and preserved by the Village Treasurer, and the bond of the President which shall be filed with, recorded and preserved by the County Clerk. (1970 Code §1-13-5)

- B. **New Bonds:** In case any surety upon the bond of any officer shall withdraw, or in case any surety upon an official bond shall become insolvent, or if the Board of Trustees shall for any reason so request by resolution, a new bond may be required of such officer, and unless such new bond is given within ten (10) days, the office shall be declared vacant; provided, however, that nothing herein shall be construed as releasing any surety before the new bond is given and approved, nor as releasing any default occurring before such new bond is given and approved. (1970 Code §1-13-6)
- C. **One Officer Becoming Surety for Another Prohibited:** No member of the Board of Trustees and no person holding any office in the Village shall become surety on the official bond of any other officer of the Village. (1970 Code §1-13-7)

1-10-6: **TERM OF OFFICE:** Every appointive officer or employee of the Village shall hold office for a term of one year or until his successor is appointed and qualified, unless otherwise provided by ordinance. Unless otherwise provided, the term of each office shall expire on April 30 following the appointment. (1970 Code §1-13-8)

1-10-7: **ASSIGNMENT OF DUTIES:** The Board of Trustees shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer, and shall determine disputes or questions relating to the respective powers or duties of officers. (1970 Code §1-13-9)

1-10-8: **RECORDS OPEN TO INSPECTION:** All records kept by any officer of the Village shall be open to inspection by the President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance. (1970 Code §1-13-10)

1-10-9: **REMOVAL OF OFFICERS AND EMPLOYEES¹:** Except where otherwise provided by statute, the President may remove any officer appointed by him, under this Code, on any formal charge, whenever he is of the opinion that the interests of the Village demand removal, but he shall report the reasons for the removal to the Board of Trustees at a meeting to be held not less than five (5) nor more than ten (10) days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for removal, or if the Board of Trustees by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed. The vote shall be by yeas and nays which shall be entered upon the Board's journal. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (1970 Code §1-13-11)

1-10-10: **DUTY UPON TERMINATION OF OFFICE:** Every officer and employee of the Village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village; and if no successor has been appointed within one week after the termination of office, such property shall be delivered either to the Village Clerk or to the Village Treasurer. (1970 Code §1-13-12)

1-10-11: **COMPENSATION:**

- A. Village officers and employees shall receive the salary or compensation which the Board shall provide by ordinance, resolution or motion, payable at such intervals as the Board may determine.
- B. Temporary employees shall receive an hourly rate of pay which the Board shall provide by ordinance, resolution or motion, payable weekly.
- C. No officer or employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him in the performance of his duties as Village officer or employee in the absence of a specific ordinance provision to that effect. (1970 Code §1-13-13; 1995 Code)

1. S.H.A. 65 ILCS 5/3.1-35-10.

1-10-12: PECUNIARY INTEREST IN CONTRACT; FREE SERVICE:

- A. No officer or employee elected or appointed to an office or position of the Village shall be interested, directly or indirectly, in any contract for work or materials, or profile thereof, or for services to be furnished or performed for the Village or for any person operating a public utility wholly or partly within the Village except as provided by statute¹.
- B. No such officer or employee shall request, accept or receive, directly or indirectly, from any person owing, operating or leasing within or partly within the Village any public utility, or any service or transportation, upon terms more favorable than are granted to the public generally, or any employment, for hire or otherwise, or any free service or transportation, either for himself or any other person, except as provided by statute. (1970 Code §1-13-14)

1-10-13: BUILDING INSPECTOR:

- A. Appointment: There is hereby created the position of Building Inspector, which office shall be held by the Superintendent of Public Works whose term of office shall be concurrent with his term of office as Superintendent of Public Works. (1970 Code §1-11-1)
- B. Duties:
1. Generally: It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to buildings and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the Village ordinances. (1970 Code §1-11-2)
 2. Ex Officio Plumbing Inspector: The Building Inspector shall act as ex officio Plumbing Inspector and shall enforce all provisions of the ordinances relating to plumbing and plumbing equipment, and to make such inspections and perform such tests as may be necessary in the enforcement of such ordinances. (1970 Code §1-11-3)
 3. Ex Officio Electrical Inspector: The Building Inspector shall act as ex officio Electrical Inspector and shall enforce all ordinances and provisions relating to electrical signs, electrical wiring and

1. S.H.A. 65 ILCS 5/3.1-55-10.

electrically-operated equipment. He shall have the power to cause the current in any wire or conduit to be turned off whenever this is necessary in an emergency for the protection of life or property. (1970 Code §1-11-4)

4. Stop Order: The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the Village when such work is being done in violation of any provision of any ordinance relating thereto. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any policeman. (1970 Code §1-11-5)

5. Entry Powers: The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour. (1970 Code §1-11-6)

1-10-14: **ZONING ENFORCING OFFICER:**

- A. Creation of Office: There is hereby created the office of Zoning Enforcing Officer who shall be appointed by the President by and with the advice and consent of the Board of Trustees. (1970 Code §1-9-1)
- B. Duties: It shall be the duty of the Zoning Enforcing Officer to enforce all the provisions of the Zoning Ordinance and amendments thereto¹. He shall perform such additional duties as may be assigned to him by the President and Board of Trustees. (1970 Code §1-9-2)
- C. Powers: He shall have the powers and exercise the functions necessary for such enforcement which are delegated to him by statute or ordinance. (1970 Code §1-9-3)

1. See Title 9 of this Code.

1-10-15: HEALTH AND SANITATION OFFICER:

- A. Creation Of Office: There is hereby created the office of health and sanitation officer who shall be appointed by the president and board of trustees and who shall have the powers of a police officer and conservator of the peace. (1970 Code §1-10-1)
- B. Duties: The health and sanitation officer shall perform such duties as may be assigned to him by the village board. (1970 Code §1-10-2; amd. 1995 Code)

1-10-16: SEWER INSPECTOR:

- A. Creation Of Office: There is created in the village an office which shall be henceforth known as the "sewer inspector" who shall be appointed by the president and shall serve until removed by same.
- B. Duties: The duty of the sewer inspector shall be to inspect any and all private hookups to the village sewer system, and to report the same to the proper authorities. (Ord. 408, 10-9-2000)

CHAPTER 11

PERSONNEL POLICIES

SECTION:

- 1-11- 1: Nondiscrimination Policy
- 1-11- 2: Working Hours
- 1-11- 3: Sick And/Or Personal Days
- 1-11- 4: Probationary Period
- 1-11- 5: Grievances And Complaints
- 1-11- 6: Salaries And Promotions
- 1-11- 7: Holidays And Bereavement
- 1-11- 8: Vacations
- 1-11- 9: Terminations
- 1-11-10: Health Insurance Coverage
- 1-11-11: Disciplinary Actions
- 1-11-12: Police Uniform Allowance; Requirements
- 1-11-13: Retirement Fund
- 1-11-14: State Officials And Employees Ethics Act
- 1-11-15: Code Of Conduct
- 1-11-16: Police Court Time
- 1-11-17: Electronic Communications

1-11-1: **NONDISCRIMINATION POLICY:** There will be no discrimination against any employee on the basis of race, sex, creed, religion, color, marital or parental status, age, national origin, political affiliation, mental or physical handicap or other not merit factors. (Res. 358-R, 11-4-1991)

1-11-2: **WORKING HOURS:**

- A. The working hours for office personnel shall be from seven o'clock (7:00) A.M. until three thirty o'clock (3:30) P.M., with a thirty (30) minute unpaid lunch break.

- B. The working hours for the maintenance crew shall be from seven o'clock (7:00) A.M. until three thirty o'clock (3:30) P.M., with a thirty (30) minute unpaid lunch break.
- C. The chief of police will determine working shifts for all police officers.
- D. Circumstances may, from time to time, require that these hours be changed.
- E. Circumstances may, from time to time, require that employees be given a day off during the week and be required to work on a Saturday or Sunday.
- F. All work performed in excess of forty (40) hours per week and all work performed on Sunday shall be paid at one and one-half ($1\frac{1}{2}$) times the regular hourly rate of pay for office and maintenance personnel.
- G. The work week shall begin at the beginning of the workday on Monday and shall end at the beginning of the workday on the following Monday.
- H. All work performed on any holiday as described in section 1-11-7 of this chapter shall be paid at one and one-half ($1\frac{1}{2}$) times the regular hourly rate of pay.
- I. In instances where employees work in excess of eight (8) hours a day, they may be given the option of taking the equivalent time off during the same workweek.
- J. Full time employees are those who are scheduled thirty three (33) or more hours per week. (Res. 410R, 10-11-2004)

1-11-3: SICK AND/OR PERSONAL DAYS:

- A. Full time office and maintenance personnel shall be entitled to five (5) paid sick and/or personal days per year. These sick and/or personal days shall be used within the fiscal year (May 1 - April 30). Any unused sick and/or personal days shall not be paid and may not be carried over into the next fiscal year.
- B. Any other days taken due to sickness or for any reason other than bereavement (see section 1-11-7 of this chapter) shall be without pay.

- C. Employees are required to notify their supervisor or another official when taking a sick and/or personal day or when late for work and must give the reason.
- D. Full time police officers shall be entitled to thirteen (13) sick and/or personal days per year in lieu of the eight (8) paid holidays set forth in section 1-11-7 of this chapter and will follow all guidelines set forth in this section.
- E. During approved disability and/or sick time, no vacation time, personal days or holiday time shall be accrued. (Res. 410R, 10-11-2004)

1-11-4: **PROBATIONARY PERIOD:** All new employees shall serve a ninety (90) day probationary period, from the first day of employment. During the probationary period, new employees may terminate their employment by giving one week's notice. A probationary employee may be discharged from his or her position at any time. (Res. 410R, 10-11-2004)

1-11-5: **GRIEVANCES AND COMPLAINTS:** If any employee has a grievance or complaint, no matter how small, it shall be discussed with the employee's supervisor first. If the grievance or complaint cannot be rectified with the supervisor, then the grievance should be taken to the village board. (Res. 358-R, 11-4-1991)

1-11-6: **SALARIES AND PROMOTIONS:** Promotions and salary increases shall be based on merit. Employee performance shall be reviewed by the supervisor and the finance committee chairman each January and June and an increase given if merited and the funds are available. (Res. 358-R, 11-4-1991)

1-11-7: **HOLIDAYS AND BEREAVEMENT:**

- A. Holidays: All full time employees, except police (see subsection 1-11-3D of this chapter), will receive the following holidays off with pay:

New Year's Day
Memorial Day

Independence Day
 Labor Day
 Thanksgiving Day
 The day after Thanksgiving Day
 Christmas Day
 The day after Christmas Day

1. To qualify for holiday pay, an employee shall work either the day before or the day after said holiday. Holidays falling on a Saturday shall be observed the preceding Friday and those falling on a Sunday shall be observed the following Monday.

2. An employee required to work on a holiday could be given the option of exchanging for another day off within the same pay period depending on workload and approval by the supervisor.

B. Bereavement:

1. The village shall provide up to three (3) regularly scheduled working days off with pay for all full time employees so they may attend the funeral and to take care of personal matters related to the death of an immediate family member, specifically: spouse, mother, father, mother-in-law, father-in-law, sister, brother, children, grandchildren, stepchildren, employee's grandparents, and/or employee's stepparents.

2. The village shall provide one regularly scheduled working day off with pay for the funeral of the family member, specifically: son-in-law, daughter-in-law, brother-in-law, sister-in-law, spouse's brother-in-law, spouse's sister-in-law, or spouse's grandparents.

3. Employees shall notify their immediate supervisor of the circumstances involved, and the times required while on bereavement. Upon returning from bereavement, the supervisor shall be furnished a copy of the funeral notice to initiate the bereavement pay. Pay shall be at the employee's regular hourly rate for up to eight (8) hours per day. (Res. 410R, 10-11-2004)

1-11-8: VACATIONS:

A. Vacation Allowance:

1. After one year's employment, all full time employees shall be eligible for one week's vacation with pay.

2. After two (2) years' employment, all full time employees shall be eligible for two (2) weeks' vacation with pay.
 3. After ten (10) years' employment, all full time employees shall be eligible for three (3) weeks' vacation with pay.
 4. After twenty (20) years' employment, all full time employees shall be eligible for four (4) weeks' vacation with pay.
- B. Fiscal Year: All vacations shall be taken within the fiscal year (May 1 - April 30) and cannot be carried over. No one will be paid for any unused vacation time.
- C. Termination: If an employee terminates his or her employment or is discharged, vacation pay will be prorated for that fiscal year.
- D. Approval: All employees shall receive approval from the village, for their vacation dates, at least one month prior to taking their vacation. (Res. 410R, 10-11-2004)

1-11-9: **TERMINATIONS:**

- A. All employees are expected to give two (2) weeks' notice in advance of date they desire to terminate their employment.
- B. The village reserves the right to terminate any employee for cause, without notice, subject to review by the village board and village attorney. (Res. 358-R, 11-4-1991; amd. 1995 Code)

1-11-10: **HEALTH INSURANCE COVERAGE:**

- A. All current full time employees, as of April 8, 1991, and their dependents are eligible to be covered by health insurance.
- B. All new hires, after thirty (30) days of employment, will be eligible to be covered by health insurance. Dependents will be covered if employee so chooses.
- C. As of November 4, 2002, all employees shall be required to pay ten percent (10%) of their insurance premium, to be deducted from their weekly paycheck. (Res. 410R, 10-11-2004)

1-11-11: **DISCIPLINARY ACTIONS:** Discipline for infractions of the rules as set forth in the job descriptions shall be as follows:

- A. First infraction: Verbal warning.
- B. Second infraction: Written warning.
- C. Third infraction: One day off without pay.
- D. Fourth infraction: Three (3) days off without pay.
- E. Fifth infraction: One week off without pay and/or discharge.

The severity of the discipline may be tempered by the seriousness of the infraction. (Res. 358-R, 11-4-1991)

1-11-12: **POLICE UNIFORM ALLOWANCE; REQUIREMENTS:**

- A. Effective at the beginning of each fiscal year, starting May 1, 2004, each police officer shall be allotted, per fiscal year, a monetary allowance for uniform or leather purchases and/or maintenance. The dollar amount will be allotted as follows:
 - 1. Full time officers shall receive five hundred dollars (\$500.00).
Prorated as \$500.00 divided by 12 = \$41.75 monthly.
 - 2. Part time officers shall receive two hundred fifty dollars (\$250.00).
Prorated as \$250.00 divided by 12 = \$20.85 monthly.
- B. If an officer begins employment during the fiscal year, the initial allotment entitlement will be the applicable per month amount times the remaining months of that fiscal year. Inversely, if an officer terminates employment during the fiscal year, the monthly allotment amount times the remaining months of that fiscal year will become due the village and shall be collected in the officer's final payroll check.
- C. Any items, to include those owned and furnished by the officer, shall be repaired or replaced at the expense of the village provided they were damaged during the "line of duty". The damage and duty status shall be reviewed and approved by the chief of police to determine

the "line of duty" liability. The chief of police shall also determine the most reasonable disposition of damage, either to repair or replace.

- D. All required safety equipment for the duty belt, protective vest, badges, collar pins, patches, cuffs, flashlight, sprays, baton and radios shall be provided by the village. The weapon, holster and belt shall be provided and retained ownership by the officer.
- E. The uniform benefit shall be monitored and controlled by the chief of police. Each fiscal year's total allotted amount shall be expended before the beginning of the next fiscal year or the balance, if any, is forfeited. The allowance shall be utilized through a tax free purchasing account, established and held by the village. An officer is allowed to make purchases by charging them to this tax free account. The officer shall be restricted to their specific allotted amount. Any purchases exceeding the allotted amount by fifty dollars (\$50.00), must be approved beforehand by the chief of police. Any amount exceeding the allotted amount shall be paid immediately, in advance or through payroll deduction and must be approved by the chief of police.
- F. With prior approval from the chief of police, officers may be allowed to utilize the tax free account for purchases using their own funds and shall be paid as stated in subsection E of this section.
- G. The village shall provide all newly hired part time police officers with a "one time only" uniform allowance, not to exceed one hundred fifty dollars (\$150.00), then if the newly hired part time police officer needs additional funds for his or her uniforms and equipment, they shall submit a request (for up to \$150.00) in advance against the upcoming fiscal year's allotment, provided it is approved by the chief of police.
- H. All police officers while on duty during normally scheduled working hours, will be in complete uniform. (Res. 410R, 10-11-2004)

1-11-13: RETIREMENT FUND:

- A. Article 7 of the Illinois pension code provides that a unit of government may elect to participate in the Illinois municipal retirement fund (IMRF) by the adoption of a resolution or ordinance of its governing body, participation to begin following receipt by the board of trustees of the fund of official notice of the election by the unit of government and on a date specified by the IMRF board.

- B. The board of trustees of the village does hereby elect to participate in the Illinois municipal retirement fund.

1. The standard for IMRF participation shall be a position normally requiring performance of duty for one thousand (1,000) hours per year.

2. The clerk is directed to promptly file a certified copy of this ordinance with the board of trustees of the Illinois municipal retirement fund. (Ord. 379, 8-5-1996)

1-11-14: STATE OFFICIALS AND EMPLOYEES ETHICS ACT:

- A. The regulations of sections 5-15¹ and article 10² of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq. (hereinafter referred to as the "act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 Illinois Compiled Statutes 430/70-5.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act, by any officer or any employee of the village, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the village, is hereby prohibited.
- D. That participation in political activities prohibited under the act, by an officer or employee of the village, is hereby prohibited.
- E. For purposes of this section, the terms "officer" and "employees" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).
- F. The penalties for violations of this section shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act.
- G. This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village

1. 5 ILCS 430/5-15.

2. 5 ILCS 430/10-10 – 10-40.

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 Illinois Compiled Statutes 430/70-5(a).

- H. Any amendment to the act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.
- I. If the Illinois supreme court declares the act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois supreme court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the village if the act is found unconstitutional by the Illinois supreme court.
- J. If the Illinois supreme court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the remainder of the act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village. (Ord. 432, 9-12-2005)

1-11-15: CODE OF CONDUCT:

- A. **Employee Obligations:** The village expects all employees to conduct village business in an ethical and legal manner. These obligations demand positive action by all employees to protect the interest of the village.
- B. **Physical Property:** The village's physical property, such as vehicles, buildings, supplies and office facilities shall be protected from loss, misuse or damage.

1. The village expects employees to cooperate in the maintenance and care of all village equipment and property against such loss, misuse and/or damage.

2. Tools, machines or equipment shall not be loaned to employees, friends or family for personal use of any kind.

3. If equipment or machines are not performing properly, employees are expected to notify their supervisor immediately so necessary repairs and maintenance can be performed.

- C. Responsible Financial Management: Employees, including elected or appointed, shall endeavor to be cost conscious when spending village funds and when incurring village expenses. (Res. 410R, 10-11-2004)

1-11-16: POLICE COURT TIME:

- A. All part time police officers will be paid a fixed rate of twenty five dollars (\$25.00) for each mandated court appearance. (Res. 410R, 10-11-2004)

1-11-17: ELECTRONIC COMMUNICATIONS:

- A. All electronic information resources and telephonic communications systems are the sole property of the village and shall be used primarily for business purposes. Limited nonbusiness use of electronic information resources and telephonic communication systems may be permitted if the use does not:
1. Interfere with the employee's work performance.
 2. Interfere with any other employee's work performance.
 3. Violate any other provision of this policy or any other policy, guideline or standard.
- B. Employees shall not use, or allow others to use, electronic information resources or telephonic communication systems:
1. For any illegal and/or inappropriate use.
 2. For any destructive programs, such as viruses.
 3. To download or use any unauthorized or unlicensed software or computer program.

4. To enter into contract, registration agreement or license on behalf of the village unless approval has been obtained.
 5. To reproduce, display, distribute, or store any materials that are sexually explicit, obscene, defamatory, harassing, illegal, or otherwise inappropriate except where such activities are within the official duties of the employee.
- C. Access to the internet and/or email is available in the fire department, village hall and the police department. (Res. 410R, 10-11-2004)

CHAPTER 12
MUNICIPAL FINANCES

SECTION:

1-12-1: Returned Check Charge

1-12-1: **RETURNED CHECK CHARGE:** All checks tendered to or otherwise delivered to the Village in payment of obligations of the maker which, when deposited by the Village, are returned to the Village for failure of such checks being honored by the maker or the maker's bank upon which such checks are drawn shall subject the maker of such checks to a charge in the amount of fifteen dollars (\$15.00) for the purpose of covering administrative expenses incurred by the Village as a result of the failure of such checks to be honored. (Ord. 316, 4-2-84; 1995 Code)

BOARDS AND COMMISSIONS

TITLE 2

BOARDS AND COMMISSIONS

Subject	Chapter
Plan Commission	1
Zoning Board of Appeals	2
Emergency Management Agency	3
Board of Local Improvements	4

CHAPTER 1

PLAN COMMISSION

SECTION:

- 2-1-1: Appointment; Membership
- 2-1-2: Terms of Office; Compensation
- 2-1-3: Organization and Procedure
- 2-1-4: Powers and Duties
- 2-1-5: Land Subdivision or Resubdivision
- 2-1-6: Improvements
- 2-1-7: Expenditures
- 2-1-8: Plan Commission and Zoning Board of Appeals Combined

2-1-1: **APPOINTMENT; MEMBERSHIP:** There is hereby created a Plan Commission for the Village¹ which shall consist of nine (9) members, no more than two (2) of which shall be members of the Board of Trustees. The members of the Plan Commission shall be citizens of the Village and shall be appointed by the President on the basis of their particular fitness for their duty on said Commission and shall be approved by the Board of Trustees. (1970 Code §2-3-1)

2-1-2: **TERMS OF OFFICE; COMPENSATION:** Of the nine (9) appointed members, three (3) shall serve for a period of one year, three (3) for a period of two (2) years and three (3) for a period of three (3) years, except that any Trustee on the Plan Commission shall serve for the term of his elected office. Thereafter, any appointed members, other than Trustees, shall serve for a period of three (3) years. All members of the Commission shall serve without compensation except that, if the Village Board of Trustees deems it advisable, the secretary may receive such compensation as may be fixed from time to time by said Board of Trustees and provided for in the appropriation ordinance. (1970 Code §2-3-2)

1. S.H.A. 65 ILCS 5/11-12-4.

2-1-3: **ORGANIZATION AND PROCEDURE:** Immediately following their appointment, the members of the Plan Commission shall meet, organize, elect a chairman and such other officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with Village ordinances and State laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the President and Board of Trustees setting forth its transactions and recommendations. (1970 Code §2-3-3)

2-1-4: **POWERS AND DUTIES:** The Plan Commission shall have the following powers and duties:

A. Comprehensive Plan:

1. To prepare and recommend to the Board of Trustees a Comprehensive Plan of public improvements, looking to the present and future development and growth of the Village. Such a plan, after its adoption by the Board of Trustees, will be known as the Official Plan.

2. Such plan shall include reasonable requirements in reference to streets, alleys and public grounds within the corporate limits and in contiguous territory outside of and distant not more than one and one-half (1¹/₂) miles from such limits, and not included in any municipality, such requirements to be effective whenever such lands shall be subdivided after the adoption of such Plan.

B. To prepare and recommend to the Board of Trustees from time to time such changes in the Plan or any part thereof as may be deemed necessary by the Board of Trustees or by the Plan Commission.

C. To prepare and recommend to the Board of Trustees from time to time plans and/or recommendations for specific improvements in pursuance of such Official Plan.

D. To give aid to the Village officials charged with the direction of projects for improvements, embraced within the Official Plan, to further the making of such improvements, and generally to promote the realization of the Official Plan.

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

- F. To cooperate with Municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- G. To exercise such other powers germane to the powers granted by statute. (1970 Code §2-3-4)

2-1-5: **LAND SUBDIVISION OR RESUBDIVISION:** Following the adoption of an Official Plan in the manner prescribed in this Chapter, no map or plat of any subdivision presented for record, affecting land within the corporate limits of the Village or in contiguous territory outside of and distant not more than one and one-half ($1\frac{1}{2}$) miles from such limits and not included in any other municipality, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys and public grounds in conformity with any requirements applicable thereto of such Official Plan. (1970 Code §2-3-5)

2-1-6: **IMPROVEMENTS:** The Village Clerk shall furnish the Plan Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Board of Trustees. (1970 Code §2-3-6)

2-1-7: **EXPENDITURES:** The Commission may, at the discretion of the Board of Trustees, employ necessary help whose salaries, wages and other necessary expenses shall be provided for by adequate appropriation made by the Board of Trustees from public funds. If said Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Board of Trustees and appropriations by the Board of Trustees therefor. (1970 Code §2-3-7)

2-1-8: **PLAN COMMISSION AND ZONING BOARD OF APPEALS
COMBINED:**

- A. Plan Commission: The Plan Commission shall consist of nine (9) members who are residents of the Village, appointed by the President, in accordance with the provisions of this Chapter, subject to the approval of the Board of Trustees.

B. Zoning Board of Appeals:

1. Members: The President, with the approval of the Board of Trustees, shall designate seven (7) members of the Plan Commission to also serve as the Zoning Board of Appeals of the Village, pursuant to Illinois Compiled Statutes¹.

2. Terms of Office: The seven (7) members designated to also serve as the Zoning Board of Appeals shall be appointed as follows: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years and one for seven (7) years. Appointments thereafter shall be for five (5) years. The terms of the remaining members shall be for three (3) years.

C. Powers and Duties as Plan Commission and Zoning Board of Appeals: The Commission shall, in its capacity as the Plan Commission and in its capacity as the Zoning Board of Appeals, have the duties, powers and responsibilities set forth in the respective Chapters, this Chapter for Plan Commission and Chapter 2 of this Title for Zoning Board of Appeals. (Ord. 305, 9-6-82)

1. S.H.A. 65 ILCS 5/11-13-3.

CHAPTER 2

ZONING BOARD OF APPEALS¹

SECTION:

- 2-2-1: Board Established; Terms; Organization
 2-2-2: Appeals Procedure
 2-2-3: Authority and Jurisdiction
 2-2-4: Appeals to Court

2-2-1: **BOARD ESTABLISHED; TERMS; ORGANIZATION:** A Zoning Board of Appeals is hereby established². Said Board shall consist of seven (7) members to be appointed by the Board of Trustees for a period of one, two (2), three (3), four (4), five (5), six (6) and seven (7) years, respectively, with replacements being appointed for a term of five (5) years. Regular meetings of the Board shall be held at such time and place within the Village as the Board may determine. Special meetings may be held at the call of the chairman, or as determined by the Board. Such chairman, or in his absence, the acting chairman, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The Board shall adopt its own rules of procedure not in conflict with statute or the provisions of Title 9 of this Code. (1970 Code §2-5-1)

2-2-2: **APPEALS PROCEDURE:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village. Such appeal shall be taken within forty five (45) days from the date of action appealed from by filing with the Zoning Enforcement Officer and the Board of Appeals a notice of the appeal, specifying the grounds thereof. The Zoning Enforcing Officer

1. S.H.A. 65 ILCS 5/11-13-3.

2. See Section 2-1-8 of this Title for combining of Plan Commission and Zoning Board of Appeals.

shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcing Officer certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the use, requirement, decision or determination as, in its opinion, ought to be made in the premises. (1970 Code §2-5-2; 1995 Code)

2-2-3: **AUTHORITY AND JURISDICTION:** The Zoning Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Enforcing Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of Title 9 of this Code. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and manner that the Board may decide to be fitting and proper in the premises, and to that end the Board shall also have the powers of the officer from whom the appeal is taken. When a property owner shows that a strict application of the terms of Title 9 of this Code relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may make such variations of the strict application of the terms of said Title 9 as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation in the following instances:

- A. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- B. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its current fair market value, by fire or other casualty, or by the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the nonconforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
- C. To make a variance by reason of an exceptional situation, surroundings or condition of a specific piece of property or by the reason of exceptional narrowness, shallowness or shape of a

specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provisions of the zoning provisions of this Code would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions of Title 9 of this Code.

- D. To interpret the provisions of said Title 9 where the street layout actually on the ground varies from the street layout as shown on the District Map fixing the several districts.
- E. To waive the parking requirements in the business or industrial districts whenever the character or use of the buildings is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
- F. To permit a building to be erected, reconstructed, altered or enlarged so that the building lines will extend beyond the distance specified in Title 9 of this Code into side yards or into front yards; provided, that such variance may not be granted:
 - 1. Unless there is a building in the block which extends beyond the distance from the front street line specified in Title 9 of this Code, in which case the building line may be permitted to extend as near to the front street line as such nonconforming building;
 - 2. Unless the lot is irregular in shape, topography or size; or
 - 3. Unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography or size.
- G. To permit in any district such modifications of the requirements of the regulations of Title 9 of this Code as said Board may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two (2) or more sides there are buildings that do not conform to the regulations of the district.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the zoning provisions of the

District Map, such power and authority being reserved to the Board of Trustees. The Board of Appeals may impose such conditions and restrictions upon the use of the premises benefited by a variation after an application has been made and after public hearing held by the Board. (1970 Code §2-5-3; 1995 Code)

2-2-4: **APPEALS TO COURT:** All final administrative decisions of the Board of Appeals rendered under the terms of this Chapter shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and rules adopted pursuant thereto¹.(1970 Code §2-5-4)

1. S.H.A. 735 ILCS 5/3-101 et seq.

CHAPTER 3

EMERGENCY MANAGEMENT AGENCY

SECTION:

- 2-3- 1: Organization Created
- 2-3- 2: Coordinator
- 2-3- 3: Duties
- 2-3- 4: Service as Mobile Support Team
- 2-3- 5: Mutual Aid Agreements
- 2-3- 6: Emergency Action
- 2-3- 7: Compensation
- 2-3- 8: Reimbursement by State
- 2-3- 9: Purchases and Expenditures
- 2-3-10: Oath
- 2-3-11: Office of Organization
- 2-3-12: Appropriation; Levy of Taxes

2-3-1: ORGANIZATION CREATED:

- A. There is hereby created the South Pekin EMA to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Management Agency Act of 1988"¹.
- B. This EMA shall consist of the Coordinator and such additional members as may be selected by the Coordinator. (Ord. 243, 6-21-76; 1995 Code)

2-3-2: COORDINATOR:

- A. The Coordinator of the EMA shall be appointed by the Village President and shall serve until removed by same.

1. S.H.A. 20 ILCS 3305/1.

- B. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of the Village President as provided by statute.
- C. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Village President or any person designated by him shall be and act as Coordinator until a new appointment is made as provided in this Chapter. (Ord. 243, 6-21-76; 1995 Code)

2-3-3: **DUTIES:** The Village EMA shall perform such EMA functions within the Village as shall be prescribed in and by the State EMA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in "The State EMA Act of 1988". (Ord. 243, 6-21-76; 1995 Code)

2-3-4: **SERVICE AS MOBILE SUPPORT TEAM:**

- A. All or any members of the Village EMA organization may be designated as members of a mobile support team created by the Director of the State EMA as provided by law.
- B. The leader of such mobile support team shall be designated by the Coordinator of the Village EMA organization.
- C. Any member of a mobile support team who is a Village employee or officer while serving on call to duty by the Governor or the State Director shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State reasonable compensation as provided by law. (Ord. 243, 6-21-76; 1995 Code)

2-3-5: **MUTUAL AID AGREEMENTS:** The Coordinator of EMA may negotiate mutual aid agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Village President and by the State Director of EMA. (Ord. 243, 6-21-76; 1995 Code)

2-3-6: **EMERGENCY ACTION:** If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the Village EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law. (Ord. 243, 6-21-76; 1995 Code)

2-3-7: **COMPENSATION:** Members of the EMA who are paid employees or officers of the Village, if called for training by the State Director of EMA, shall receive for the time spent in training the same rate of pay as is attached to the position held; members who are not such Village employees or officers shall receive for such training time such compensation as may be established by the Village President. (Ord. 243, 6-21-76; 1995 Code)

2-3-8: **REIMBURSEMENT BY STATE:** The Village Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the Village for expenses incident to training members of the EMA as prescribed by the State Director of EMA, compensation for services and expenses of members for a mobile support team while serving outside the Village in response to a call by the Governor or State Director of EMA, as provided by law, and any other reimbursement made by the State incident to EMA activities as provided by law. (Ord. 243, 6-21-76; 1995 Code)

2-3-9: **PURCHASES AND EXPENDITURES:**

- A. The Village President may, on recommendation of the Village Coordinator of EMA, authorize any purchases or contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.
- B. In the event of enemy caused or other disaster, the Village Coordinator of EMA is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law

pertaining to Village contracts or obligations, as authorized by "The State EMA Act of 1988"; provided, that if the Village Board meets at such time, the Coordinator shall act subject to the directions and restrictions imposed by that body. (Ord. 243, 6-21-76; 1995 Code)

2-3-10: **OATH:** Every person appointed to serve in any capacity in the Village EMA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

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 or 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 as I am affiliated with the South Pekin EMA organization, 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. (Ord. 243, 6-21-76; 1995 Code)

2-3-11: **OFFICE OF ORGANIZATION:** The Village President is authorized to designate space in a Village building, or elsewhere as may be provided for by the Village President, for the Village EMA as its office. (Ord. 243, 6-21-76; 1995 Code)

2-3-12: **APPROPRIATION; LEVY OF TAXES:** The Village President may make an appropriation for EMA purposes in the manner provided by law, and may levy, in addition for EMA purposes only, a tax not to exceed five cents (\$0.05) per one hundred dollars (\$100.00) of the

assessed value of all taxable property in addition to all other taxes, as provided by "The State EMA Act of 1988"; however, that amount collectible under such levy shall in no event exceed twenty five cents (\$0.25) per capita. (Ord. 243, 6-21-76; 1995 Code)

CHAPTER 4

BOARD OF LOCAL IMPROVEMENTS

SECTION:

- 2-4-1: Appointments
2-4-2: General Duties

2-4-1: **APPOINTMENTS:** There is hereby established a Board of Local Improvements for the Village, which shall consist of the President of the Village, who shall be the President of the Board of Local Improvements and all of the members of the Board of Trustees of the Village. The President, with the approval of the members of the Board of Local Improvements, shall appoint a member of the Board to serve as secretary who shall keep written minutes of the Board's proceedings¹. (1970 Code §2-2-1)

2-4-2: **GENERAL DUTIES:** The Board of Local Improvements shall have the powers and perform the duties assigned to it by statute or provision of this Code and shall have the power of employing the services of an engineer for any local improvement originated by it. (1970 Code §2-2-2)

1. 65 ILCS 5/9-2-7.

BUSINESS AND LICENSE REGULATIONS

TITLE 3
BUSINESS AND LICENSE REGULATIONS

Subject	Chapter
General Licensing Provisions	1
Municipal Occupation Taxes	2
Liquor Control	3
Amusements	4
Coin Operated Amusement Devices	4A
Billiard and Pool Halls	4B
Peddlers and Itinerant Merchants	5
Public Solicitations	6
Junk Dealers	7
Cigarette and Tobacco Dealers; Vending Machines	8
Sidewalk Sales	9
Special Events	10

CHAPTER 1

GENERAL LICENSING PROVISIONS

SECTION:

- 3-1- 1: Applications for Licenses and Permits
- 3-1- 2: Forms on File with Village Clerk
- 3-1- 3: Signatures Required
- 3-1- 4: Fees; Exceptions
- 3-1- 5: Terms of Licenses and Permits
- 3-1- 6: Posting of License
- 3-1- 7: Transfer; Change of Location
- 3-1- 8: Investigations and Inspections
- 3-1- 9: Building and Premises Requirements
- 3-1-10: Frontage Consents
- 3-1-11: Businesses Conducted as Nuisance
- 3-1-12: Revocation of License or Permit; Notice; Hearing

3-1-1: APPLICATIONS FOR LICENSES AND PERMITS:
Applications for all licenses and permits required by provision of this Code shall be made in writing to the Village Clerk in the absence of provisions to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for. (1970 Code §3-1-2-1)

3-1-2: FORMS ON FILE WITH VILLAGE CLERK: Forms for all licenses and permits and applications therefor shall be prepared and kept on file by the Clerk. (1970 Code §3-1-2-2)

3-1-3: SIGNATURES REQUIRED: Each license or permit issued shall bear the signature of the President and the Clerk of the

Village in the absence of any provision to the contrary. (1970 Code §3-1-2-3)

3-1-4: FEES; EXCEPTIONS:

- A. Fees Paid in Advance: In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk.
- B. Prorate Fee for Portion of Year: When a business is commenced after the expiration of a part of the license year, an annual license for the balance of the year will be issued for a proportionate part of the annual fee. (1970 Code §3-1-2-5)
- C. Waiver of Fees for Disabled Veterans: The Board of Trustees shall have the power to waive the fees for vending licenses required under any provisions of this Code, upon application for such license by disabled veterans who are residents of the Village. (1970 Code §3-1-2-15; 1995 Code)

3-1-5: TERMS OF LICENSES AND PERMITS:

- A. Annual: All annual licenses and permits shall terminate on the last day of the fiscal year of the Village in which they are issued, where no provision to the contrary is made.
- B. Daily: Each daily license or permit shall terminate at twelve o'clock (12:00) midnight of the day for which the license or permit is granted. (1970 Code §3-1-2-6)

3-1-6: POSTING OF LICENSE: It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times. (1970 Code §3-1-2-14)

3-1-7: TRANSFER; CHANGE OF LOCATION:

- A. Licenses issued may be transferred by the original licensee; provided, that written notice thereof is given to the Clerk within ten (10) days before the transfer is made, but no more than one transfer

of any license shall be made within the license year; provided, that it shall be unlawful to transfer any peddler's or itinerant merchant's license or permit, and any attempted transfer of such a license or permit shall have no effect.

- B. The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days' notice in writing thereof is given to the Clerk, in the absence of any provision to the contrary; provided, that the building, zoning and frontage consent requirements of the provisions of this Code are complied with. (1970 Code §3-1-2-8)

3-1-8: INVESTIGATIONS AND INSPECTIONS:

- A. Investigation of Applicant: Upon the receipt of an application for a license or permit where the provision of this Code necessitates an inspection or investigation before the issuance of such permit or license, the Clerk shall refer such application to the proper officer for making such investigation within ten (10) days of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within thirty (30) days after receiving the application or a copy thereof. (1970 Code §3-1-2-4; 1995 Code)

- B. Inspection of Premises:

1. Allowing Village Officer Entry for Inspection: Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making such inspection at any reasonable time that admission is requested, any authorized officer or employee of the Village.

2. Failure to Allow Entry, License Revocation¹: In addition to any other penalty which may be provided, the President of the Board may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection, or who

1. See Section 3-1-12 of this Chapter.

interferes with such officer or employee while in the performance of his duty in making such inspection. Provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection is desired and the time it is sought to make the inspection. (1970 Code §3-1-2-11)

3-1-9: BUILDING AND PREMISES REQUIREMENTS:

- A. No license shall be issued for the conduct of any business, and no permit for any thing or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the Village.
- B. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning provisions of this Code. (1970 Code §3-1-2-7)

3-1-10: FRONTAGE CONSENTS:

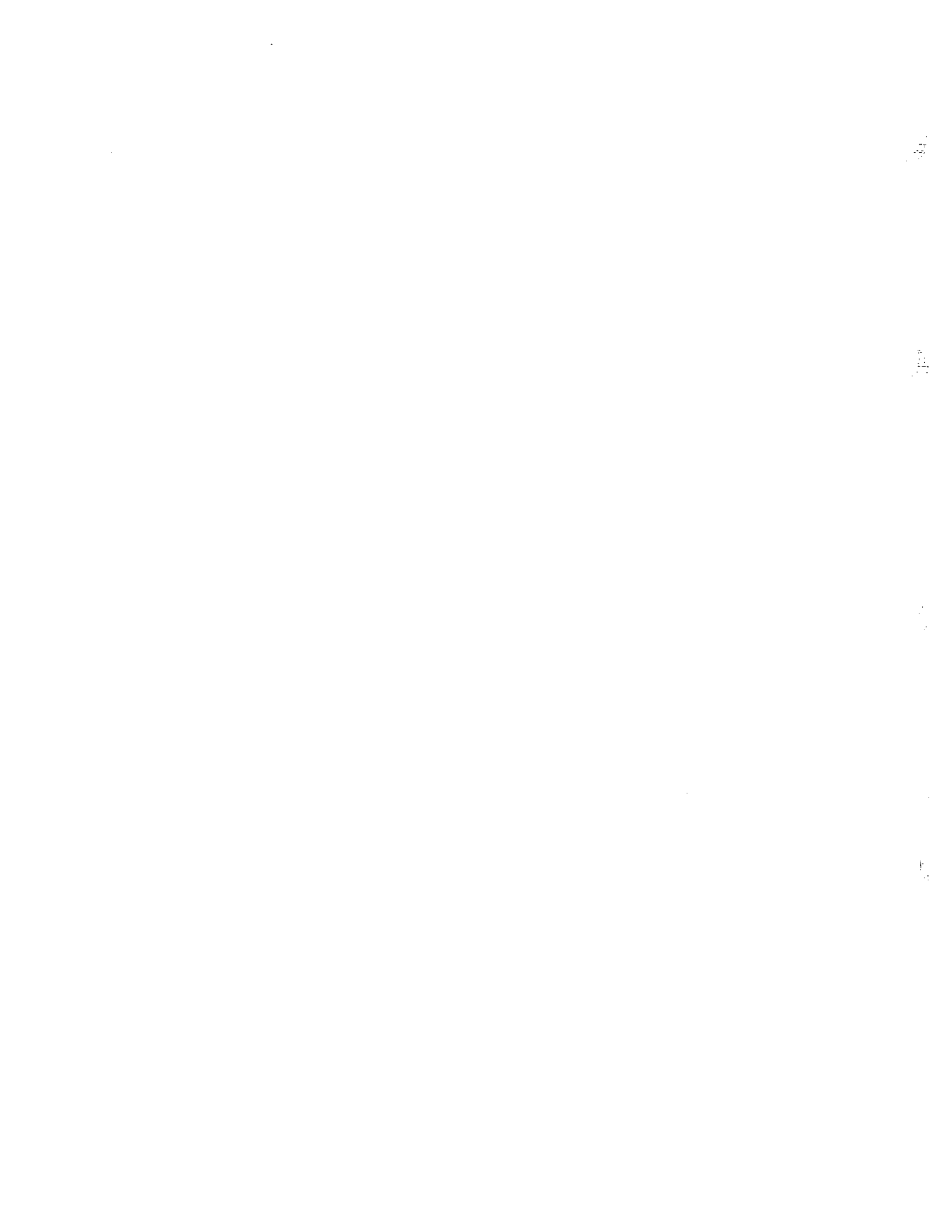
- A. Whenever the consent of adjoining or neighboring owners is required as a prerequisite of the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the Clerk when signed.
- B. Consents once given and filed shall not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.
- C. It shall be unlawful to forge any name to such a petition or to falsely represent that the names thereon have been properly placed thereon if such is not the fact.
- D. Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing thereon was properly secured and written on, and that the petition contains the necessary number of signatures required by ordinance.
- E. The frontage consent requirements contained in this Section shall not be construed as amending or changing any zoning provision of the Village; and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business,

or the commission of any act in any location where such structure, building, business or act is prohibited by any zoning provision of the Village. (1970 Code §3-1-2-9)

3-1-11: BUSINESSES CONDUCTED AS NUISANCE: No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (1970 Code §3-1-2-10)

3-1-12: REVOCATION OF LICENSE OR PERMIT; NOTICE; HEARING:

- A. **Authority to Revoke:** Any license or permit, for a limited time, may be revoked by the President at any time during the life of such license or permit for any violation by the licensee or permittee of the provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied. Such revocation may be in addition to any fine imposed. (1970 Code §3-1-2-12)
- B. **Notification Required:** Unless any provision of this Code provides to the contrary, no revocation or suspension of any license or permit issued hereunder shall be deemed effective until notice thereof has been served personally upon or mailed to the named licensee or permittee at the address specified in the application for the said license or permit.
- C. **Request for Hearing:** If, within five (5) days of the date of notice of the revocation or suspension of any license or permit, the named licensee or permittee submits to the Village Clerk, in writing, a request for a hearing concerning such revocation or suspension, said revocation or suspension shall be suspended until such time as the Board of Trustees shall grant the licensee or permittee a special hearing.
- D. **Decision of Board of Trustees:** If the Board of Trustees, after such hearing, affirms the revocation or suspension of said license or permit, the same shall become immediately effective; if the Board of Trustees by a majority vote overrules the revocation or suspension, the same shall be deemed null and void. (1970 Code §3-1-2-13)



CHAPTER 2

MUNICIPAL OCCUPATION TAXES

SECTION:

- 3-2-1: Foreign Fire Insurance Companies
- 3-2-2: Municipal Utility Tax
- 3-2-3: Electricity Tax
- 3-2-4: Simplified Municipal Telecommunications Tax
- 3-2-5: Tax Rights And Responsibilities
- 3-2-6: Municipal Retailers' Occupation Tax And Service Occupation Tax

3-2-1: **FOREIGN FIRE INSURANCE COMPANIES:**

- A. Tax Imposed¹: Any corporation, company or association, not incorporated under the laws of the state, engaging in the village in effecting or transacting any business of fire insurance shall pay to the treasurer of the village for the maintenance, use and benefit of the village fire department a sum equal in amount to two percent (2%) per annum of the gross receipts received as premiums upon fire insurance policies by any and all agents of such corporation, company or association, during the year ending on July 1 of each year, for any insurance effected or agreed to be effected on property located in the village by or with such corporation, company or association during such year. (1970 Code §3-18-1)
- B. Compliance Required: It shall be unlawful for any such corporation, company or association, not incorporated under the laws of this state, to engage in the village in effecting fire insurance, or to transact any business of fire insurance in the village, while in default by not fully complying with any of the requirements of this section, and until such requirements shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this section. (1970 Code §3-18-2)

1. 65 ILCS 5/11-10-1.

C. Account Rendered; Payments:

1. Every person acting in the village as agent for or on behalf of any such corporation, company or association shall, on or before July 15 of each and every year, render to the clerk a full, true and just account, verified by his oath, of all premiums upon fire insurance policies which, during the year ending July 1 preceding such report, shall have been received by him, or by some other person for him in behalf of any such corporation, company or association on property located within the village. Such agent shall also, at the time of rendering the aforesaid report, pay to the treasurer of the village the sum of money for which each such corporation, company or association represented by him is chargeable, by virtue of the provisions of this section. The sum of money for which such corporation, company or association is so chargeable, may be recovered of it or its agent by an action in the name of and for the use of the village as for money had and received.

2. No insurance agent in the village shall have any insurance business or dealings with any corporation, company or association not incorporated under the laws of this state, which shall be in default for not reporting or making payments as hereinabove provided, until it shall have complied with all the requirements of this chapter. (1970 Code §3-18-3)

3-2-2: **MUNICIPAL UTILITY TAX:**

A. Definitions: For the purposes of this section, the following definitions shall apply:

GROSS RECEIPTS:	The consideration received for distributing, supplying, furnishing or selling gas or electricity 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 the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.
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PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation or a receiver, trustee, conservator or other representative appointed by order of any court. (Ord. 255, 1-16-1979; amd. Ord. 419, 9-9-2002)

- B. Tax Imposed:** A tax is hereby imposed on all persons engaged in the following occupations and privileges: (Ord. 255, 1-16-1979)
1. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.
 2. Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the village, and not for resale, at the rate of five percent (5%) of the gross receipts therefrom. (Ord. 255, 1-16-1979; amd. Ord. 419, 9-9-2002)
- C. Exception:** No tax is imposed by this section with respect to any transaction in interstate commerce, or otherwise, to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof. (Ord. 255, 1-16-1979; amd. 1995 Code)
- D. 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 taxpayer's business.
- E. Effective Date:** This section shall take effect after publication, and the tax provided for herein shall be based on the "gross receipts" as herein defined, actually billed by the taxpayer on or after February 1, 1979. (Ord. 255, 1-16-1979, corrected 2-19-1979)
- F. Filing Tax Return; Payment:**
1. On or before April 30, each taxpayer shall make a return to the village treasurer for the months of February and March (the first quarter consisting of 2 months), 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.
2. On or before the last day of every third month thereafter, each taxpayer shall make a like return to the village treasurer for a corresponding three (3) month period.
3. The taxpayer making the return herein provided shall, at the time of making such return, pay to the village treasurer, the amount of tax herein imposed; provided that, in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.
- G. **Erroneous Payments:** If it shall appear that an amount of tax has been paid which was not due under the provisions of this section,

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 Section 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.

- H. **Penalty:** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code and in addition, shall be liable in a civil action for the amount of the tax due. (Ord. 255, 1-16-1979; amd. 1995 Code)

3-2-3: ELECTRICITY TAX:

- A. **Tax Imposed:** A tax is imposed on all persons engaged in the following occupations or privileges:

1. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Municipality at the following rates, calculated on a monthly basis for each purchaser:

a. For the first 2,000 kilowatt-hours used or consumed in a month; 0.368 cents per kilowatt-hour;

b. For the next 48,000 kilowatt-hours used or consumed in a month; 0.241 cents per kilowatt-hour;

c. For the next 50,000 kilowatt-hours used or consumed in a month; 0.217 cents per kilowatt-hour;

d. For the next 400,000 kilowatt-hours used or consumed in a month; 0.211 cents per kilowatt-hour;

e. For the next 500,000 kilowatt-hours used or consumed in a month; 0.205 cents per kilowatt-hour;

f. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.193 cents per kilowatt-hour;

g. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.190 cents per kilowatt-hour;

h. For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.187 cents per kilowatt-hour;

i. For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.184 cents per kilowatt-hour;

j. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.181 cents per kilowatt-hour.

2. Pursuant to 65 Illinois Compiled Statutes 5/8-11-2, the rates set forth in subsection A1 of this Section shall be effective: a) on August 1, 1999, for residential customers; and b) on the earlier of: 1) the last bill issued prior to December 31, 2000; or 2) the date of the first bill issued pursuant to 220 Illinois Compiled Statutes 5/16-104, for nonresidential customers.

3. Pursuant to 65 Illinois Compiled Statutes 5/8-11-2, Section 3-2-2 of this Chapter (commonly known as the Municipal Utility Tax) shall specifically remain in effect: a) for receipts attributable to residential customers, until July 31, 1999; and b) for receipts attributable to nonresidential customers, the earlier of: 1) through the last bill issued prior to December 31, 2000; or 2) the date of the first bill issued such nonresidential customer pursuant to 220 Illinois Compiled Statutes 5/16-104.

4. The provisions of this subsection A shall not be effective until August 1, 1999.

- B. Exceptions: None of the taxes authorized by this Section 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 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 Section for those transactions that are nor may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act as authorized by 65 Illinois Compiled Statutes 5/8-11-1; nor shall any tax authorized by this Section be imposed upon any person engaged in businesses or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the Municipality, whether privately

or Municipally owned or operated, or exercising the same privilege within the Municipality.

C. **Additional Tax:** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

D. **Collection:**

1. The tax authorized by this Section shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charges for delivering the electricity. Any tax required to be collected pursuant to this Section and any such tax collected by a person delivering electricity shall constitute a debt owed to the Municipality by such person delivering the electricity.

2. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Municipality in the manner prescribed by the Municipality. Person delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the Municipality the amount of the tax collected pursuant to this Section.

E. **Reports To Municipality:** On or before the last day of each month, each taxpayer who has not paid the tax imposed by this Section to a person delivering electricity as set forth above and who is not otherwise exempted from paying such tax shall make a return to the Village Treasurer for the preceding month stating:

1. His/her name;

2. His/her principal place of business;

3. His/her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;

4. Amount of tax; and

5. Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return pay to the Village, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he/she so elects, report and pay an amount based upon his/her 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.

- F. **Credit For Overpayment:** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Section, 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 Section from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Section shall be commenced more than three (3) years after the due date of such amount.

- G. **Penalty:** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00); in addition, shall be liable in a civil action for the amount of tax due¹.

In the event that Public Act 90-561 is declared unconstitutional, or if this Section created by this amendatory Ordinance is voided by court action, the provisions of Section 3-2-2 of this Chapter (commonly known as the Municipality Utility Tax) shall remain in effect in all respects as if it had never been amended by this Section, and any amounts paid to the Village by any person delivering electricity pursuant to this amendatory Ordinance shall be deemed to have been paid pursuant to the Municipality Utility Tax as it existed prior to the passage of this amendatory Ordinance. (Ord. 397, 7-19-1999)

1. 65 ILCS 5/8-11-2.

3-2-4: SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX:

A. Definitions: As used in this section, the following terms shall have the following meanings:

AMOUNT PAID: The amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

DEPARTMENT: The Illinois department of revenue.

GROSS CHARGE: The amount paid for the act or privilege of originating or receiving telecommunications in such 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 point within this state, charges for the channel mileage between each channel point within this state, and charges for that portion of the interstate interoffice channel provided within Illinois. However, "gross charge" shall not include:

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 of such municipality;

3. Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time sharing agreement;

4. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

5. Charges to business enterprises certified as exempt under section 9-222.1 of the public utilities act to the extent of such exemption and during the period of time specified by the department of commerce and community affairs;

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 telecommunication devices; or

9. Amounts paid by telecommunications retailers under the telecommunications infrastructure maintenance fee act.

**INTERSTATE
TELECOMMUNI-
CATIONS:**

All telecommunications that either originate or terminate outside this state.

**INTRASTATE
TELECOMMUNI-
CATIONS:**

All telecommunications that originate and terminate within this state.

PERSON:

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.

**PURCHASE AT
RETAIL:**

The acquisition, consumption or use of telecommunications through a sale at retail.

RETAILER:

Means and includes every person engaged in the business of making sales at retail as defined herein. 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 ensure 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.

**RETAILER
MAINTAINING
A PLACE OF
BUSINESS IN
THIS STATE (Or
Any Like Term):**

Means and includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

**SALE AT
RETAIL:**

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.

**SERVICE
ADDRESS:**

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.

TAXPAYER: 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 this section.

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 section, "private line" means a dedicated nontraffic 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 intercompany 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 nontaxable 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' occupations tax act.

B. Tax Imposed: A tax is hereby imposed upon any and all the following acts or privileges:

1. The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer.

2. The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multistate taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state 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 which was not previously allowed as a credit against any other state or local tax in this state.

3. The tax imposed by this section is not imposed on such act or privilege to the extent such act or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by the municipality.

C. Collection Of Tax By Retailers:

1. The tax authorized by this section 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 section 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 section 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.

2. Whenever possible, the tax authorized by this section shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

D. Returns To Department: Commencing on February 1, 2003, the tax imposed under this section 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.

E. Resellers:

1. 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 section on any of such purchases and shall furnish such additional information as the department may reasonably require.

2. Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to the applicant. The department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax free when such actions in fact are not for resale, or which no longer applies because of the persons having discontinued the making of resales.

3. Except as provided in this section, the act or privilege of originating or receiving telecommunications in this state shall not be made tax free on the grounds 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 nontaxable because of being a sale for resale.

- F. Severability: If any provision of this section, or the application of any provision of this section, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this section, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this section.
- G. Effective Date: This section shall take effect on January 1, 2003. Copies of ordinance 419 shall be certified and sent to the Illinois department of revenue prior to October 1, 2002.
- H. Repealer: If public act 92-0526, entitled the simplified municipal telecommunications tax act, is repealed or becomes ineffective for any reason, or if this section is repealed or becomes ineffective for any reason, then section 3-2-2 of this chapter, as laid out in ordinance 255 passed January 16, 1979, as it pertains to this tax shall be deemed in full force and effect as of the date public act 92-0526 and this section is repealed or becomes ineffective. (Ord. 419, 9-9-2002)

3-2-5: TAX RIGHTS AND RESPONSIBILITIES:

- A. Title: This section shall be known as, and may be cited as, the *LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITY ORDINANCE*.
- B. Scope: The provisions of this section shall apply to the village's procedures in connection with all of the village's locally imposed and administered taxes.
- C. Definitions: Certain words or terms herein shall have the meanings ascribed to them as follows:

ACT: The "local government taxpayers' bill of rights act".

CORPORATE AUTHORITIES:	The village's president and board of trustees.
LOCAL TAX ADMINISTRATOR:	The village's president 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 section to give full effect to this section. The exercise of such authority by the local tax administrator shall not be inconsistent with this section and the act.
LOCALLY IMPOSED AND ADMINISTERED TAX OR TAX:	Each tax imposed by the village that is collected or administered by the village not an agency or department of the state. It does not include any taxes imposed upon real property under the property tax code or fees collected by the village other than infrastructure maintenance fees.
NOTICE:	Each audit notice, collection notice or other similar notice or communication in connection with each of the village's locally imposed and administered taxes.
TAX ORDINANCE:	Each ordinance adopted by the village that imposes any locally imposed and administered tax.
TAXPAYER:	Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the village.
VILLAGE:	The village of South Pekin, Illinois.

- D. 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:

1. First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address; or
2. Personal service or delivery.

- E. **Late Payment:** Any notice, payment, remittance or other filing required to be made to the village pursuant to any tax ordinance shall be considered late unless it is: 1) physically received by the village on or before the due date, or 2) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the village, with adequate postage prepaid.
- F. **Payment:** Any payment or remittance received for a tax period shall be applied in the following order: 1) first to the tax due for the applicable period; 2) second to the interest due for the applicable period; and 3) third to the penalty for the applicable period.
- G. **Certain Credits And Refunds:**
1. The village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
 2. The statute of limitations on a claim for credit or refund shall be four (4) years after the end of the calendar year in which payment in error was made. The village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the village.
 3. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
 - a. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

(1) The name of the locally imposed and administered tax subject to the claim;

(2) The tax period for the locally imposed and administered tax subject to the claim;

(3) The date of the tax payment subject to the claim and the canceled check or receipt for the payment;

(4) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(5) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the village.

b. 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:

(1) Grant the claim; or

(2) 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.

c. 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.

H. **Audit Procedure:** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this section.

1. Each notice of audit shall contain the following information:

a. The tax;

b. The time period of the audit; and

c. A brief description of the books and records to be made available for the auditor.

2. 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.

3. 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.

4. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the village.

5. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

6. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the village's determination of the amount of overpayment.

7. 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.

I. Appeal:

1. 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:

- a. The reason for the assessment;
- b. The amount of the tax liability proposed;
- c. The procedure for appealing the assessment; and

d. The obligations of the village during the audit, appeal, refund and collection process.

2. 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.

3. 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.

4. 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.

5. 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.

J. Hearing:

1. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under subsection I of this section, the local tax administrator shall conduct a hearing regarding any appeal.

2. 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 sixty (60) days.

3. 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.

4. 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.

K. 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.

1. Interest: The village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be five percent (5%) per annum, based on a year of three hundred sixty five (365) days and the number of days elapsed.

2. Late Filing And Payment Penalties: If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

- L. **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.
- M. **Installment Contracts:** The village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.
- N. **Statute Of Limitations:** The village through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.
1. No determination of tax due and owing may be issued more than four (4) years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
 2. If any tax return is not filed or if during any four (4) year period for which a notice of tax determination or assessment may be issued by the village the tax paid was less than seventy five percent (75%) of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
 3. No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.
- O. **Voluntary Disclosure:** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax

administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

- P. **Publication Of Tax Ordinances:** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the village clerk's office.
- Q. **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:
1. Timely remove the lien at the village's expense;
 2. Correct the taxpayer's credit record; and
 3. Correct any public disclosure of the improperly imposed lien.
- R. **Application:** This section shall be liberally construed and administered to supplement all of the village's tax ordinances. To the

extent that any tax ordinance is in conflict with or inconsistent with this section, this section shall be controlling.

- S. Severability: If any section, paragraph or provision of this section shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this section. (Ord. 410, 12-4-2000)

3-2-6: MUNICIPAL RETAILERS' OCCUPATION TAX AND SERVICE OCCUPATION TAX:

- A. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled and registered with an agency of this state's government, at retail in this municipality at the rate of 0.25 percent of the gross receipts from such sales made in the course of such business while this section is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of 0.25 percent of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. This "nonhome rule municipal retailers' occupation tax" and this "nonhome rule municipal service occupation tax" shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

The imposition of these nonhome rule taxes is in accordance with the provisions of sections 8-11-1.3 and 8-11-1.4, respectively, of the Illinois municipal code¹.

- B. 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 department of revenue shall have full power to administer and enforce the provisions of this section.

1. 65 ILCS 5/8-11-1.3, 5/8-11-1.4.

- C. The municipal clerk is hereby directed to file a certified copy of the ordinance codified herein and a certification that the ordinance received referendum approval with the Illinois department of revenue on or before October 1, 2007. (Ord. 449, 5-7-2007, eff. 1-1-2008)

CHAPTER 3
LIQUOR CONTROL

SECTION:

- 3-3- 1: Definitions
- 3-3- 2: License Required
- 3-3- 3: Application For License
- 3-3- 4: Restrictions On Licenses
- 3-3- 5: Term Of License; Renewal
- 3-3- 6: Examination Of Applicant For Local License
- 3-3- 7: License Classifications; Fees
- 3-3- 8: Limitation Upon Number Issued; Class A And Class B
- 3-3- 9: Insurance Required
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- 3-3-11: Record Of Licenses Issued
- 3-3-12: Transfer Of License; Sale Of Licensed Business
- 3-3-13: Location Restrictions
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- 3-3-16: Employees
- 3-3-17: Premises Requirements
- 3-3-18: Prohibited Acts
- 3-3-19: Restrictions Concerning Minors
- 3-3-20: Licensee Report Commission Of Crime
- 3-3-21: License Revocation Or Suspension; Hearing; Notice

3-3-1: **DEFINITIONS:** Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

ALCOHOLIC LIQUOR: Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (0.5%) of alcohol by volume, which is fit for beverage purposes.

CLUB: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club, as provided by statute.

RESTAURANT: 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. Provided, that no restaurant licensed as such shall sell alcoholic liquor except with meals.

RETAIL SALE: The sale for use or consumption and not for resale. (1970 Code §3-9-1; 1995 Code)

3-3-2: LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license and the Illinois Liquor Control Act¹. (1970 Code §3-9-2)

3-3-3: APPLICATION FOR LICENSE: Application for such licenses shall be made to the Village President, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

A. The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is

1. 235 ILCS 5/1-2 et seq.

owned by one person or his nominee, the name and address of such person.

- B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
- C. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
- D. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- E. The amount of goods, wares and merchandise on hand at the time application is made.
- F. The location and description of the premises or place of business which is to be operated under such license.
- G. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
- H. A statement 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 this Chapter, laws of this State, or the ordinances of the Village.
- I. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefor.
- J. A statement that the applicant will not violate any of the laws of the State of Illinois, or the United States, or any ordinance of the Village in the conduct of his place of business. (1970 Code §3-9-3)

3-3-4: RESTRICTIONS ON LICENSES: No license authorized by this Chapter shall be issued to:

- A. A person or a corporation, the manager of whose liquor business hereunder is not a resident of this Village. For the purposes of this subsection, the term "resident" shall mean that the place where the person's family, if he has one, have their principal residence and domicile and where the licensee openly and publicly appears to reside, is within the Village. No residence may be acceptable within

the licensed premises, nor one which has the appearance of a residence of convenience or of a temporary nature and where such person's domestic furnishings and possessions are kept for use outside of the Village.

- B. A person who has been convicted of a felony under any Federal or State law.
- C. A person who has been convicted of being the keeper or is keeping a house of ill fame.
- D. A person who has been convicted of pandering.
- E. A person whose license issued under this Chapter or the laws of the State has been revoked for cause.
- F. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- G. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license.
- H. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village.
- I. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation qualified under the Illinois Business Corporation Act¹ to transact business in Illinois.
- J. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- K. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor

1. S.H.A. 85 ILCS 5/1.01 et seq.

Act¹, or has forfeited his bond to appear in court to answer charges for any such violation.

- L. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- M. Any law-enforcing public official, any mayor, commissioner or other official disqualified by reason of State law; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- N. A person who is not a beneficial owner of the business to be operated by the licensee.
- O. Federal Gaming Device or Wagering Stamps:
 - 1. A person to whom a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period;
 - 2. A copartnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal gaming device stamp or a Federal wagering stamp by the Federal government for the current tax period.
 - 3. A corporation, if any officer, manager or director thereof, or a stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax period. (1970 Code §3-9-4)

3-3-5: TERM OF LICENSE; RENEWAL:

- A. Term: Each license issued hereunder shall terminate on April 30 following the issuance thereof. (1970 Code §3-9-5)
- B. Renewal of License: Any licensee may renew his license at the expiration thereof; provided, that he then qualifies to receive a license and the premises for which such renewal license is sought

1. S.H.A. 234 ILCS 5/1-2 et seq.

are suitable for such purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President from decreasing the number of licenses to be issued within his jurisdiction. (1970 Code §3-9-14)

3-3-6: EXAMINATION OF APPLICANT FOR LOCAL LICENSE:

The Village President shall have the right to examine, or cause to be examined, under oath, any application for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, 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 President under this Section, he may authorize his agent to act on his behalf, as provided by statute¹. (1970 Code §3-9-6)

3-3-7: LICENSE CLASSIFICATIONS; FEES:

- A. Class A License: The license fee for the operation of a liquor establishment engaged in the business of selling alcoholic liquors for consumption upon the premises, shall be six hundred dollars (\$600.00) payable in advance, for a period or term of one year. Such license shall be designated as Village Class A license.
- B. Class B License: The license fee for a package liquor store shall be the sum of six hundred dollars (\$600.00) payable in advance, for a period of one year, together with such additional fee as may be assessed in accordance with the provision hereof, pertaining to the number of licenses in force. Such license shall be designated as Village Class B license; provided, however, that any person duly licensed as a liquor establishment hereunder shall not be required to be licensed in addition as a package liquor store.
- C. Class C License: The license fee for a club shall be the sum of six hundred dollars (\$600.00) per year, payable in advance. Such license shall be designated as Village Class C license.

1. S.H.A. 235 ILCS 5/7-4 for power of President to examine applicants.

- D. **Class V License:** No license fee shall be charged for the license of any duly organized veterans' organization, created or recognized by acts of the congress of the United States as such a veterans' organization. Such licenses shall be designated as village class V licenses. (1970 Code §3-9-7)
- E. **Class T License:** The license for a temporary permit for sale of alcoholic liquor to be consumed at a special event, banquet, picnic, bazaar, fair or similar private or public assembly where food or drink is sold, served or dispensed.
1. Such temporary permit may be issued to a club, society, fraternal or benevolent organization or an association which is organized for pecuniary profit, and shall be for a period of not more than three (3) days.
 2. No more than three (3) temporary permits may be granted to any organization during a calendar year.
 3. The fee for such permit shall be determined, from time to time, by separate ordinance or resolution of the city council, and shall accompany the written application. The fee for such permit at this time is set at one hundred dollars (\$100.00) per day and is non-refundable, due at time of application.
 4. The holder's use of the temporary license shall be subject to such terms and conditions as determined by the village president, and is subject to revocation by the village president or village enforcement or safety officers as same deem necessary for the interest of the village and its residents. (Ord. 484, 3-10-2014)

No license shall be issued hereunder, except as herein specifically provided. (1970 Code §3-9-7)

3-3-8: LIMITATION UPON NUMBER ISSUED; CLASS A AND CLASS B: So that the health, safety and welfare of the people of the village shall be protected and minors shall be prevented from the purchase of alcoholic liquors, and temperance in the consumption of alcoholic liquors shall be fostered and promoted, no new licenses in class A or class B shall be issued under the provisions of this chapter unless the number of such licenses in force at the time shall be less than two (2); provided, however, that should the business or property for which a village liquor license has been issued be assigned or conveyed to any person other than the named licensee, the president is hereby empowered to

authorize the issuance of a new license strictly under the provisions of this code to the person who may acquire such business or property; provided further, that the authorization by the president for such new license can only become effective after the old license has been surrendered and properly canceled so that the number of class A or class B licenses in operation will not exceed two (2); provided further, that in the event of annexation of any territory to the village, in which territory there is located any business or property for which a valid county retail liquor license has been issued and in force at the date of such annexation, the president is empowered to authorize the issuance of a new license strictly under the provisions of this code to the person named in the county retail liquor license issued for such business or property, notwithstanding the foregoing limitation upon the number of licenses to be issued. (Ord. 326, 6-1-1987)

3-3-9: INSURANCE REQUIRED: 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 in force and effect the insurance required by statute. (1970 Code §3-9-9)

3-3-10: DISPOSITION OF FEES: All such fees shall be paid to the village clerk, at the time application is made, and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the board of trustees by proper action. (1970 Code §3-9-10)

3-3-11: RECORD OF LICENSES ISSUED: The village clerk shall keep a complete record of all such licenses issued and shall furnish the chief of police with a copy thereof. Upon revocation or suspension of any license, the village clerk shall immediately give written notice thereof to the chief of police. (1970 Code §3-9-11)

3-3-12: TRANSFER OF LICENSE; SALE OF LICENSED BUSINESS:

A. **Discontinue License; Refund Portion Of Fee:** A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this chapter 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, unless transfer should occur pursuant to the sale of a going concern described hereunder. Such license shall otherwise cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution; provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may sell as a going concern, or may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

- B. **Transfer License; Investigation Fee:** Upon application being filed with the president, and upon payment of an investigation fee in the sum of one hundred dollars (\$100.00), the president may issue a license to the purchaser of an established licensed business as a going concern. Such application must be for exactly the same class of license as that held by the seller, and such application shall be openly for the same location as the previously licensed business. Any such purchaser shall make application for the issuance of a business transfer license to him, and in such application he shall state the actual facts in respect to his purchase of such business. He shall also fill out an application blank and furnish the information and make that statement similar to that required of any other licensee under section 3-3-3 of this chapter. Such applications for original licensees, and, if approved, the transfer license shall be issued to such purchaser upon payment to the president of the license fee then due, without any credit for any unused portion of the previous license, and there shall be no rebate to any person for any unused portion of any license. No transfer license shall be issued to the purchaser of such business until the seller of such business shall have surrendered his license to the president for transfer. (Ord. 334, 7-3-1989; amd. 1995 Code)

3-3-13: LOCATION RESTRICTIONS:

- A. **Change Of Location:** A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the appli-

cation and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the president. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter. (1970 Code §3-9-13)

B. Limitation On Location:

1. The president shall not issue any license for the sale of alcoholic liquor upon any premises located within any residential area of the village unless the applicant shall file with said president a statement, verified by affidavit, containing the written consent to the use of the named premises for the sale of alcoholic liquors by:

a. The owner or owners of at least two-thirds ($\frac{2}{3}$) of the property within a distance of five hundred feet (500') in all directions from the named premises (including drives and yards of the named premises where alcoholic liquor is to be sold); and

b. The owner or owners of at least two-thirds ($\frac{2}{3}$) of the property fronting upon the street or streets, on both sides, upon which is located the named premises where such alcoholic liquor is to be sold.

It shall be within the power of the president to determine what parts of the village constitute residential areas, herein referred to. (1970 Code §3-9-18)

2. The president shall not issue any class A licenses for the sale of alcoholic liquor within one hundred feet (100') of any church, school, hospital, undertaking establishment, mortuary or home for aged; provided, however, that in the case of hotels or motor courts offering restaurant service, regularly organized clubs or restaurants, or package liquor stores, this minimum distance shall be one hundred feet (100'). (Ord. 348, 8-6-1990)

3. No license shall be issued to any person for the sale at retail of any alcoholic liquor within one hundred feet (100') of any place of business where the majority of customers are minors or where the principal business transacted consists of school supplies, food, lunches or drinks for minors. (1970 Code §3-9-18)

4. Provided, however, that the provisions of this subsection shall not affect premises for which a valid license for the sale of alcoholic liquors is now in existence, and any renewal or transfer thereof in

connection with the sale of a going concern as provided in section 3-3-12 of this chapter, and which is now being operated as an alcoholic liquor business by virtue of such license. (Ord. 334, 7-3-1989)

3-3-14: RESTRICTIONS CONCERNING NOISE AND CLOSING HOURS:

- A. **Sale; Give Away Restrictions:** It shall be unlawful to sell or to offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M., CST or CDST, on Monday through Saturdays, and between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M., CST or CDST, on Sundays.
- B. **Patrons/Customers:** It shall be unlawful to permit the public to remain within the licensed premises after one thirty o'clock (1:30) A.M., CST or CDST, each day of the week. For the purpose of this subsection, "public" shall include any and all individuals who are not on duty employees of the licensee.
- C. **Consumption After Set Time:** It shall be unlawful to permit the consumption of any alcoholic liquor in or upon the licensed premises by any individual without limitation, be that person an employee, band member, guest, or member of the public, in or upon the licensed premises, at or after one thirty o'clock (1:30) A.M., CST or CDST, on any day of the week.
- D. **Musicians' Hours Restricted:** It shall be unlawful for the licensee to allow or permit any individual or groups of individuals (bands) to play any musical instruments in or on any licensed premises after twelve thirty o'clock (12:30) A.M., CST or CDST, on any day of the week.
- E. **Restrictions Regarding Sound Producing Devices:** No licensee shall allow or cause to be used or operated on any licensed premises any radio receiving set, musical instrument, phonograph, jukebox, loud-speaker, amplifiers, musical instrument speakers, or other machine or device for the production or reproduction of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, jukebox, loudspeaker, amplifiers, musical instrument

speakers, or other machine or device on any day between the hours of six o'clock (6:00) A.M. and twelve thirty o'clock (12:30) A.M. the following day, CST or CDST, in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

It shall be unlawful for the licensee to permit the operation of any or all of the above mentioned sound producing machines or devices in or on the licensed premises after twelve thirty o'clock (12:30) A.M., CST or CDST, on any day of the week.

- F. Penalties: In addition to all other fines and penalties pursuant to section 1-4-1 of this code, the president may suspend or revoke the retail dealer's license for any violation of the above subsection. (Ord. 381, 11-4-1996)

3-3-15: INSPECTION OF CLASS C LICENSE PREMISES: It shall be unlawful to refuse to grant admittance to the premises for which a Class C license has been issued at any time upon the verbal request of any police officer, the Health and Sanitation Officer or any member of the Board of Trustees, for the purpose of making an inspection of such premises, or any part thereof. (Ord. 356, 9-9-91)

3-3-16: 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, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is 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. (1970 Code §3-9-17)

3-3-17: PREMISES REQUIREMENTS:

- A. **Sanitary Conditions:** All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (1970 Code §3-9-16)
- B. **View from Street:** In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel or club), no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee or by him wilfully permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this subsection, the President shall have

the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (1970 Code §3-9-21)

3-3-18: PROHIBITED ACTS:

- A. **Peddling:** It shall be unlawful to peddle alcoholic liquor in the Village. (1970 Code §3-9-15)
- B. **Sale to Intoxicated Persons, Habitual Drunkards:** It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or persons known to be under legal disability or in need of mental treatment. (1970 Code §3-9-23; 1995 Code)
- C. **Gambling:** It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor. (1970 Code §3-9-24)

3-3-19: RESTRICTIONS CONCERNING MINORS:

- A. **Purchase by Minor:** It shall be unlawful for any person under the age of twenty one (21) to purchase or obtain any alcoholic liquor in any liquor establishment or other place in the Village where alcoholic liquor is sold.
- B. **Misrepresentation of Age:** It shall be unlawful for any person under the age of twenty one (21) to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any liquor establishment or other place in the Village where alcoholic liquor is sold.
- C. **Display of Warning:** In every liquor establishment or other place in the Village 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 Village Clerk and which shall read substantially as follows:

Warning to Minors

You are subject to a fine up to \$500.00 under the ordinances of the Village of South Pekin if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

- D. **Responsibility of Licensee:** It shall be unlawful for any holder of a retail liquor dealer's license, or his or her agent or employee, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided, that this subsection shall not apply to any minor which is accompanied by his or her parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.
- E. **License Suspension or Revocation for Violation:** In addition to all other fines and penalties, the President may suspend or revoke the retail liquor dealer's license for any violation of the above paragraph.
- F. **Parental Responsibility:** It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this Section.
- G. **Prohibited Acts:** It shall be unlawful:
1. To sell, give or deliver alcoholic liquor to any minor.
 2. For any minor to attend any bar.
 3. For any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises. (1970 Code §3-9-22)

3-3-20: **LICENSEE REPORT COMMISSION OF CRIME:** Each licensee and each of his agents and employees shall properly report to the Police Department any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission of any crime, including any violation of this Chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises. In the event any criminal charges are filed by Tazewell County State's Attorney's Office relating to any incident occurring on or about the licensed premises relating to the commission of any crime, including any violation of this Chapter, each licensee and each of his agents and employees shall sign appropriate charges, appear before the Tazewell County Grand Jury, appear in Court to testify, and in all other respects cooperate with the State's Attorney's Office in the prosecution of any such crime. (Ord. 356, 9-9-91)

**3-3-21: LICENSE REVOCATION OR SUSPENSION; HEARING;
NOTICE:**

A. **Revocation or Suspension by President for Cause:** The President may suspend or revoke any license issued under the provisions of this Chapter for any one or more of the following reasons:

1. Violation of Federal laws, the laws of this State, including the rules and regulations of the Illinois Liquor Control Act, or any of the provisions of this Chapter.

2. The wilful making of any false statement as to a material fact in the application for a license or a renewal thereof.

3. The permitting of any unlawful conduct upon the premises for which such license is issued.

4. The permitting of any person other than the named licensee to operate an alcoholic liquor business under such license. (1970 Code §3-9-26; 1995 Code)

B. **Revocation for Nonuse:**

1. No person shall continue to hold a liquor license issued with respect to a particular premises unless such premises are approved by the President as being in compliance herewith, and in addition, that such person is actively engaged in the liquor business upon such premises. In the event that a person to whom a liquor license has been issued loses the right to occupy such premises, or the same are destroyed by an act of God, or by reason of condemnation or similar proceedings, through no fault of such person, the time remaining in the current license term after the date of last business operations shall be considered as reserved, and if within ninety (90) days from the date of last business operations such person shall resume business operations at a location to be approved by the President, such person may continue such liquor business for said reserved period of time; provided, however, that such license shall be automatically cancelled if not placed in use by the person to whom it was issued, with consent of the President, within ninety (90) days from its last use.

2. This subsection is intended to require the licensee to re-establish his business, if terminated for one of the reasons contained herein, and none other, within ninety (90) days, or to forfeit such license.

Any license so forfeited shall not be renewed or reissued. (1970 Code §3-9-27)

C. Hearing; Notice; Appeal to State:

1. No liquor license shall be revoked or suspended except after a public hearing by the President after three (3) days' written notice to the licensee, affording such licensee an opportunity to appear and defend; provided, however, that if the President has reason to believe that any continued operation of a particular licensed business will threaten the immediate welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice of 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.

2. The President shall, within ten (10) days after such hearing, if he thereafter determines that the license should be revoked or suspended, state his reasons and such determination in a written order of revocation or suspension and shall serve a copy of such order within the said ten (10) days upon said licensee.

3. The licensee shall thereafter have such privilege of appeal to the State Liquor Control Commission as provided by law¹. (1970 Code §3-9-28)

1. S.H.A. 235 ILCS 5/7-9.

CHAPTER 4
AMUSEMENTS

SECTION:

- 3-4-1: Application of Provisions
- 3-4-2: License Required; Fees
- 3-4-3: Street Shows; Permission Required
- 3-4-4: Athletic Exhibitions
- 3-4-5: Order; Crowding
- 3-4-6: Inspections
- 3-4-7: Safety Restrictions and Requirements

3-4-1: **APPLICATION OF PROVISIONS:** The provisions of this Chapter, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the Village whether specifically licensed in another section or chapter of this Code. (1970 Code §3-2-1)

3-4-2: **LICENSE REQUIRED; FEES:**

- A. License Required: It shall be unlawful to conduct or operate any amusement which is open to the public and for admission to which a fee is charged without having first secured a license therefor, except that motion pictures and theatricals are specifically exempted from licensing. Provided, however, that the provisions of this Section shall not be held to apply to those amusements which are specifically licensed by any other section or chapter in this Code.
- B. Application for License: Application for such licenses shall be made to the Clerk, and shall comply with the general provisions relating to such application.
- C. License Fees: For such licenses, the following fees shall be paid:

Menageries	\$ 5.00 per day
Carnivals	10.00 per day
Exhibitions of inanimate objects	5.00 per day
All other amusements (1970 Code §3-2-2)	5.00 per day

3-4-3: STREET SHOWS; PERMISSION REQUIRED: No permit shall be granted for any carnival, circus, exhibition show or other amusement to be given on any public street or sidewalk or in such a place that the only main accommodation for the public or the audience will be in a public place, except on order of the Board of Trustees. (1970 Code §3-2-3)

3-4-4: ATHLETIC EXHIBITIONS:

- A. License Required: It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball games, boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without having procured a license therefor, except such events as may be conducted by duly accredited schools.
- B. Statement of Gross Receipts; Payment of Fee: The proprietor of such exhibition shall submit to the Clerk a statement verified under oath of the gross receipts of each such game, contest or race, within one week after such exhibition. At the same time such proprietor or person exhibiting or operating such exhibition shall pay to the Clerk a sum equal to three percent (3%) of the gross receipts.
- C. Maintain Order; Examine Books: Sufficient members of the Police Department shall be admitted free of charge to all such exhibitions for the purpose of preserving and maintaining order; and the Clerk may post a person or any number of persons at the box office of each such performance, and may examine all books pertaining to such performance showing or tending to show the gross receipts. (1970 Code §3-2-4)

3-4-5: ORDER; CROWDING:

- A. Orderly Conduct by Audience: The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it shall

be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

- B. **Dangerous Conditions Prohibited:** It shall be unlawful to permit or gather such a crowd to witness any amusement or show so as to create a dangerous condition because of fire or other risks. (1970 Code §3-2-5)

3-4-6: **INSPECTIONS:** It shall be the duty of the Chief of Police to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the Police Department and to insure conformity with the provisions concerning such amusements. (1970 Code §3-2-6)

3-4-7: **SAFETY RESTRICTIONS AND REQUIREMENTS:**

- A. **Smoking:**

1. **Smoking Prohibited:** It shall be unlawful to smoke or carry a lighted cigar, cigarette or pipe beneath the stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than one hundred (100) persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, operated, presented or exhibited. (1970 Code §3-2-7)

2. **No Smoking Signs:** It shall be the duty of the owner of such premises or the occupant in charge to provide and place printed signs on which the words "No Smoking" shall appear in letters at least four inches (4") high, in conspicuous places, at least two (2) such signs being upon the stage or in the wings thereof and in each dressing room. (1970 Code §3-2-8)

- B. **Exit Lights:** It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred (100) persons or more in which theatricals, shows, amusements, lectures and other entertainments are offered, operated or presented to provide and place a sign, on which the word "Exit" shall appear in letters at least six inches (6") high, over

every door or other opening from such hall to every means of egress therefrom and a light shall be provided with a red globe and placed at or over such sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall. (1970 Code §3-2-9)

CHAPTER 4

AMUSEMENTS

ARTICLE A. COIN-OPERATED AMUSEMENT DEVICES

SECTION:

- 3-4A-1: Definitions
- 3-4A-2: Operator's License and Fee
- 3-4A-3: Proprietor's License Required; Fee
- 3-4A-4: Application for License and License Conditions
- 3-4A-5: Increasing Number of Devices
- 3-4A-6: Evidence of Ownership Filed with Clerk
- 3-4A-7: Gambling Devices

3-4A-1: **DEFINITIONS:**

COIN-OPERATED AMUSEMENT DEVICE: Any amusement machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, but for purposes of this Article, it does include coin-operated mechanical musical devices commonly called juke boxes.

OPERATOR: Any person, firm, corporation, partnership or association who sets up for operation by another or leases or distributes for the purpose of operation by another, any device as 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 derived from such device, or otherwise.

PROPRIETOR: Any person, firm, corporation, partnership, association or club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or at which such device is placed or kept for use or play, or on exhibition for the purpose of use or play. (1970 Code §3-3-1)

3-4A-2: OPERATOR'S LICENSE AND FEE: The Village Board may require any person who engages in the business of operator of coin-operated amusement devices, as the terms are herein defined, to obtain a license therefor, and to pay such fees as may be set by the Board from time to time. (1970 Code §3-3-3)

3-4A-3: PROPRIETOR'S LICENSE REQUIRED; FEE:

- A. License Required: No person shall engage in the business of an operator or proprietor of coin-operated amusement devices, as the terms are herein defined, without first having obtained the proper license therefor. (1970 Code §3-3-2)
- B. Fee: The license fee for each proprietor as herein defined shall be fifteen dollars (\$15.00) per year for each device used or played, or exhibited for use or play. All proprietor's license fees shall be payable annually in advance; provided, that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof upon payment of a proportionate part of the annual fee. In no case shall any portion of said license fee be repaid to the licensee. (1970 Code §3-3-4)

3-4A-4: APPLICATION FOR LICENSE AND LICENSE CONDITIONS:

- A. Contents of Application: Application for license hereunder shall be filed in writing with the Village Clerk, on a form to be provided by the Village, and shall specify:
 - 1. The name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses.

2. The address of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place.

3. The trade name and general description of the device or devices to be licensed, the name of the manufacturer and the serial number and, if the applicant is a proprietor, the number of devices to be licensed.

4. The name and address of the operator of the device or devices, if other than the proprietor.

- B. **Payment of Fee:** The proper license fee shall accompany such application.
- C. **Investigation:** Application for license hereunder shall be first referred by the Village Clerk to the President and Board of Trustees who shall make or cause to be made such investigation as they deem necessary.
- D. **Issuance or Denial of License:** If the application is approved by the President and Board of Trustees, the license shall be issued by the Clerk, and the Clerk shall remit the fee to the Village Treasurer. If the license is denied, the fee shall be returned to the applicant.
- E. **Term of License:** All licenses under this Article shall expire on April 30 following their issuance.
- F. **Posting License:** The license shall be posted in a conspicuous place in the establishment of the licensee.
- G. **License Nontransferable:** Such license shall be nonassignable and nontransferable, and in the case of a proprietor shall apply only to the premises for which such license is issued. (1970 Code §3-3-5)

3-4A-5: INCREASING NUMBER OF DEVICES: In case a proprietor licensed under the provisions of this Article desires, after the expiration of any portion of any license year, to increase the number of devices to be used or played, or exhibited for use or play in his establishment, he shall surrender his license to the Village Clerk who shall issue a new license showing the number of devices licensed thereunder, upon payment of the proper license fee therefor. (1970 Code §3-3-6)

3-4A-6: EVIDENCE OF OWNERSHIP FILED WITH CLERK: Any proprietor who owns such device or devices at the time this Article becomes effective shall file with the Village Clerk evidence of such ownership prior to the issuance of a license; and any proprietor purchasing a device or devices after the effective date of this Article shall file with the Village Clerk evidence of ownership thereof before exhibiting or placing said device or devices for use or play. (1970 Code §3-3-7)

3-4A-7: GAMBLING DEVICES:

- A. **Article Not Applicable to Gambling Devices:** Nothing in this Article shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device. (1970 Code §3-3-9)
- B. **Possession Prohibited:** It shall be unlawful for any person to keep or use in any place within the Village any coin-operated mechanical device for which there has been purchased a coin-operated gambling device special tax stamp issued by the Internal Revenue authorities of the United States government. (1970 Code §3-3-10)

CHAPTER 4

AMUSEMENTS

ARTICLE B. BILLIARD AND POOL HALLS

SECTION:

3-4B-1: License Required; Fee
3-4B-2: Minors Restricted

3-4B-1: LICENSE REQUIRED; FEE:

- A. No person shall operate, maintain or conduct a billiard, pool, bagatelle or pigeonhole table open to the public without having first obtained a license therefor as is herein required. All applications for such licenses shall state thereon the intended location of the place of business and the number of tables to be used therein. (1970 Code §3-4-1)
- B. The annual fee for such license shall be ten dollars (\$10.00) for each table. (1970 Code §3-4-2; 1995 Code)

3-4B-2: MINORS RESTRICTED: Minors under the age of sixteen (16) years shall under no circumstances frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be upon some lawful errand and sent under the direction and the consent and knowledge of the parent, guardian or other person having the lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this Section. (1970 Code §3-4-3)

CHAPTER 5

PEDDLERS AND ITINERANT MERCHANTS

SECTION:

- 3-5-1: Peddlers
3-5-2: Itinerant Merchants

3-5-1: **PEDDLERS:**

- A. License Required: It shall be unlawful for any person to engage in the business of hawker or peddler of any merchandise, article or thing without having first obtained a license therefor. (1970 Code §3-11-1)
- B. Application for License: Application for such license shall be made to the Clerk, and shall state thereon the number of vehicles, if any, intended to be operated, the kind of article or merchandise to be peddled and the permanent address of the peddler. Applications for such license shall be made no less than forty eight (48) hours before its intended use. The hours during which the license is valid shall be nine o'clock (9:00) A.M. until nine o'clock (9:00) P.M. (1970 Code §3-11-2; amd. Ord. 273, 1-7-80; 1995 Code)
- C. License Fee; Exception: The fee for such license shall be twenty five dollars (\$25.00) per day; however, farmers selling their own produce are not required to pay a fee. (Ord. 273, 1-7-80)
- D. Fraud: Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a peddler in the Village or who shall barter, sell or peddle any goods, wares or merchandise other than those specified in his application for license shall, on conviction, be deemed guilty of a misdemeanor. (1970 Code §3-11-4)

3-5-2: ITINERANT MERCHANTS:

- A. **License Required:** It shall be unlawful to do business in the Village as an itinerant merchant without having first secured a license as herein provided. For the purpose of this Section, any merchant engaging or intending to engage in business as a merchant in the Village for a period of time not exceeding one hundred (100) days shall be considered as an itinerant merchant; provided, that peddlers shall not be considered itinerant merchants. (1970 Code §3-12-1)
- B. **Application for License:** Every application for such a license shall set forth the commodities to be sold, and the place intended to be occupied or used for the business. (1970 Code §3-12-2)
- C. **License Fee:** The fee for such license shall be one hundred dollars (\$100.00) for one month or any part thereof. (1970 Code §3-12-3; 1995 Code)

CHAPTER 6

PUBLIC SOLICITATIONS

SECTION:

- 3-6- 1: Definitions
- 3-6- 2: Certificate of Registration Required; Expiration Date
- 3-6- 3: Application for Certificate of Registration; Conditions
- 3-6- 4: Issuance or Denial of Certificate
- 3-6- 5: Notice Regulating Soliciting
- 3-6- 6: Duty of Solicitors
- 3-6- 7: Uninvited Solicitors Prohibited
- 3-6- 8: Time Limit on Soliciting
- 3-6- 9: Telephone Solicitation or Promotion; Registration Required
- 3-6-10: Revocation of Certificate; Notice

3-6-1: **DEFINITIONS:** For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto:

REGISTERED SOLICITOR: Means and includes 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: Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING: Means and includes any one or more of the following activities:

Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services

of any kind, character or description whatever, for any kind of consideration whatever; or

Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

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

Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project. (1970 Code §3-14-1)

3-6-2: CERTIFICATE OF REGISTRATION REQUIRED; EXPIRATION DATE:

- A. Application for Certificate: Every person desiring to engage in soliciting as herein defined from persons in residences within this Village is hereby required to make written application for a certificate of registration as hereinafter provided. (1970 Code §3-14-2)
- B. Expiration Date of Certificate: The certificate of registration shall state the expiration date thereof. (1970 Code §3-14-4)

3-6-3: APPLICATION FOR CERTIFICATE OF REGISTRATION; CONDITIONS:

- A. Contents of Application: Application for a certificate of registration shall be made upon a form provided by the Chief of Police and filed with such Chief. The applicant shall truthfully state in full the following information requested on the application:
 1. Name and address of present place of residence and length of residence at such address, business address if other than residence address, and social security number.
 2. Address of place of residence during the past three (3) years if other than present address.

3. Age of applicant and marital status, and if married the name of spouse.
 4. Physical description of the applicant.
 5. Name and address of the person, firm, corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation.
 6. Name and address of employer during the past three (3) years if other than the present employer.
 7. Description sufficient for identification of the subject matter of the solicitation in which the applicant will engage.
 8. Period of time for which the certificate is applied.
 9. The date, or approximate date, of the latest previous application for certificate under this Chapter, if any.
 10. Whether a certificate of registration issued to the applicant under this Chapter ever been revoked.
 11. Whether the applicant ever been convicted of a violation of any of the provisions of this Chapter, or an ordinance of any other Illinois municipality regulating soliciting.
 12. Whether 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.
 13. Also such additional information as the Chief of Police may deem necessary to process the application.
- B. Statements under Oath: All statements made by the applicant under the application or in connection therewith shall be under oath.
- C. Record of Applications: 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 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.

- D. Denial of Issuance: 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. (1970 Code §3-14-3; 1995 Code)

3-6-4: **ISSUANCE OR DENIAL 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 Chapter. 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. (1970 Code §3-14-4)

3-6-5: **NOTICE REGULATING SOLICITING:**

- A. Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, in any residence, shall be given in the manner following:

A weatherproof card, approximately three inches by four inches (3" x 4") in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

NO SOLICITORS INVITED.

The letters shall be at least one-third inch ($\frac{1}{3}$ ") in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

- B. 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. (1970 Code §3-14-5)

3-6-6: DUTY OF SOLICITORS:

- A. It shall be the duty of every solicitor, upon going onto any premises in the Village upon which a residence as herein defined is located, to first examine the notice provided for in Section 3-6-5 of this Chapter, if any is attached, and be governed by the statement contained on the notice. If the notice states: "NO SOLICITORS INVITED", then the solicitor shall immediately and peacefully depart from the premises.
- B. 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. (1970 Code §3-14-6)

3-6-7: UNINVITED SOLICITORS PROHIBITED: It is hereby 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 3-6-5 of this Chapter. (1970 Code §3-14-7)

3-6-8: 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 soliciting as herein defined, prior to nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. of any weekday, or at any time on a Sunday or on a State or national holiday. (1970 Code §3-14-8)

3-6-9: TELEPHONE SOLICITATION OR PROMOTION; REGISTRATION REQUIRED:

- A. Certificate of Registration Required: It shall be unlawful for any person in his own name, or in the name of or for the benefit of any other person, to conduct any sales campaign or sales promotion of any nature whatsoever through the use of the telephone without

having first obtained a certificate of registration from the Village Clerk.

- B. **Application for Registration:** Application for such registration shall be made to the Clerk, setting forth the name of the applicant, his employer or organization, the article or goods proposed to be sold, terms of sale, length of time such campaign or promotion is sought to be continued, and names and addresses of all persons assisting in such campaign or promotion within the Village.
- C. **Solicitation for Charitable Use Prohibited:** It shall be unlawful for any person to conduct or make any solicitation by telephone for any pecuniary compensation or other profit on behalf of any actual or purported charitable use, purpose, association, corporation or institution. (1970 Code §6-2-7-9)

3-6-10: REVOCATION OF CERTIFICATE; NOTICE:

- A. 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 of the provisions 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 U.S. mail addressed to his or her residence address set forth in the application.
- B. Immediately upon the giving of such notice, the certificate of registration shall become null and void. (1970 Code §3-14-4)

CHAPTER 7
JUNK DEALERS

SECTION:

- 3-7-1: License Required
- 3-7-2: Application for License
- 3-7-3: License Fee
- 3-7-4: Location; Frontage Consents
- 3-7-5: Record of Purchases
- 3-7-6: Vehicles, Display Business Name
- 3-7-7: Stolen Goods, Report to Police
- 3-7-8: Restrictions

3-7-1: **LICENSE REQUIRED:** It shall be unlawful to operate or carry on the business of junk dealer or to keep any junk shop, store or place for the purchase or sale of junk, junk cars and parts, rags, old rope, paper or bagging, old iron, brass, copper or empty bottles, without having obtained a license therefor as is hereinafter provided. (1970 Code §3-10-1)

3-7-2: **APPLICATION FOR LICENSE:** Applications for such licenses shall be made in conformance with the provisions of this Code relating to licenses¹. (1970 Code §3-10-2)

3-7-3: **LICENSE FEE:** The annual fee to be paid for such license shall be six thousand dollars (\$6,000.00) and an additional fee of five hundred dollars (\$500.00) for each vehicle used in the conduct of such business. (1970 Code §3-10-3; 1995 Code)

1. See Chapter 1 of this Title.

3-7-4: LOCATION; FRONTAGE CONSENTS:**A. Definitions:**

BLOCK: As used in this Section, shall be construed to mean and include that portion of the street between the two (2) intersections with other public streets nearest the specified location on each side; provided, that if, on either or both sides of such location, there is no such intersection within three hundred feet (300') of the center of the specified location, the block shall be considered as terminating at a point three hundred feet (300') from such center.

STREET: As used in this Section, shall be construed to mean and include such highways as have been dedicated by either common law or statutory dedication as public streets and are actually in use as such. The term "street" shall not be construed to include or mean service highways which are commonly known as alleys.

- B. Consent Required:** No person shall locate, build, construct, operate or maintain any junk yard in any block in the Village where two-thirds ($\frac{2}{3}$) of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without having first secured the written consent of the owners of two-thirds ($\frac{2}{3}$) of the frontage abutting on such street on both sides within such block.
- C. Zoning Regulations Prevail:** Nothing contained in this Section shall be taken to be in repeal of or in conflict with the zoning provisions of the Village¹. (1970 Code §3-10-6)

3-7-5: RECORD OF PURCHASES: It shall be the duty of each junk dealer to keep a book in which shall be written at the time of every purchase by him of any article or thing of value, a description thereof, the name, age and residence of the person from whom, and the day and hour when such purchase was made, and there shall also be entered in said book the name of the person to whom and the time when such article or thing of value was sold or disposed of; which book shall be at all times

1. See Title 9 of this Code.

open to the inspection of the President, the Chief of Police or any member of the Board. (1970 Code §3-10-7)

3-7-6: VEHICLES, DISPLAY BUSINESS NAME: Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof, and the Village license number. (1970 Code §3-10-5)

3-7-7: STOLEN GOODS, REPORT TO POLICE: Every keeper of a junk shop who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen shall, upon demand, produce such articles or things to any member of the Police Department for examination. (1970 Code §3-10-4)

3-7-8: RESTRICTIONS:

- A. **Purchases from Intoxicated Persons; Persons Under Twenty One:** No purchases shall be made of any articles or things of value received from any intoxicated person, or from any person under twenty one (21) years of age without having obtained the written consent of the parent or guardian of such minor. (1970 Code §3-10-8; 1995 Code)
- B. **Sales:** No article or thing of value purchased or received by any junk dealer shall be sold or otherwise disposed of until at least one week from the date of its purchase or receipt shall have elapsed. (1970 Code §3-10-9)

CHAPTER 8

CIGARETTE AND TOBACCO DEALERS; VENDING MACHINES

SECTION:

- 3-8-1: Tobacco Dealers
3-8-2: Vending Machines

3-8-1: TOBACCO DEALERS:

- A. License Required: It shall be unlawful to sell or give away tobacco in the Village without being first licensed to do so by the Village. (1970 Code §3-19-1)
- B. Application for License: Application for such license shall be made in writing to the Village Clerk. Such application shall contain the name of the applicant and the address at which such sales are to be made, and shall be filed with the Village Clerk together with the license fee hereinafter required. (1970 Code §3-19-2)
- C. License Fee: The fee for such a license shall be fifteen dollars (\$15.00) per year. (1970 Code §3-19-3; 1995 Code)

3-8-2: VENDING MACHINES:

- A. License Required: It shall be unlawful to sell or give away any cigarettes by means of a vending machine in the Village without being first licensed to do so by the Village. (1970 Code §3-19-4)
- B. Application for License: Application for such licenses shall be made in writing to the Village Clerk. Such application shall contain the name of the applicant, the address at which such sales are to be made and the number of cigarette vending machines; and shall be

filed with the Village Clerk together with the license fee hereinafter required. (1970 Code §3-19-5)

- C. License Fee: The annual fee for a license shall be fifteen dollars (\$15.00) for each machine. (1970 Code §3-19-6)

CHAPTER 9
SIDEWALK SALES

SECTION:

- 3-9-1: License Required
- 3-9-2: Application for License
- 3-9-3: License Fee; Term
- 3-9-4: Inspections
- 3-9-5: Restrictions and Requirements
- 3-9-6: Penalty

3-9-1: **LICENSE REQUIRED:** It shall be unlawful for any person, firm, corporation, transient merchant, church, club, charitable institution, hawker or peddler to vend, sell, dispose or offer to vend, sell, dispose or display any goods, wares, merchandise, produce or vegetables on any public walk, street, alley or anywhere within the Village without having first obtained a license from the Village Clerk for that purpose and having paid a license fee thereafter, as hereinafter provided. (1970 Code §3-15-1)

3-9-2: **APPLICATION FOR LICENSE:** Application for license to vend, sell, dispose or display merchandise, goods, wares, produce or vegetables shall be made in writing to the Village Clerk. The application shall contain the name of the applicant, if an individual, the names of partners, if a copartnership, or the names of the principal officers, if a corporation, church, club or charitable institution, and shall include the location of the place or places where such merchandise, goods, wares, produce or vegetables are to be so displayed and sold. (1970 Code §3-15-2)

3-9-3: **LICENSE FEE; TERM:** The license fee to be charged for such application is five dollars (\$5.00), and no license shall be valid for more than two (2) days. (1970 Code §3-15-3; 1995 Code)

3-9-4: INSPECTIONS: The Chief of Police and the Chief of the Fire Department shall make or cause to be made sufficient inspections to insure the compliance with the provisions of this Chapter and other applicable provisions of the Village ordinances by the personnel conducting such sales. (1970 Code §3-15-5)

3-9-5: RESTRICTIONS AND REQUIREMENTS:

- A. No street or alley shall be blocked by any merchandise offered for sale hereunder.
- B. A two foot (2') passageway for pedestrians shall be left open, and merchandise shall be securely and adequately placed so that it will not endanger passers-by or fall or extrude into any street or alley.
- C. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard. (1970 Code §3-15-4)

3-9-6: PENALTY: Any person violating any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (1970 Code §3-15-6; 1995 Code)

CHAPTER 10

SPECIAL EVENTS

SECTION:

- 3-10-1: License Required
- 3-10-2: Application For License
- 3-10-3: License Fee; Term
- 3-10-4: Inspections
- 3-10-5: Restrictions And Requirements
- 3-10-6: Deadline For Application Process
- 3-10-7: Penalty

3-10-1: **LICENSE REQUIRED:** Excluding village and/or village sponsored events, it shall be unlawful for any person, firm, corporation or business, club, or charitable institution to have a special event anywhere within the village without having first obtained a license from the village clerk for that purpose and having paid a license fee thereafter, as hereinafter provided. A special event is deemed to be all outdoor events requested on village property, i.e., street, sidewalk, park, etc., and/or deemed to significantly impact the village. (Ord. 484, 3-10-2014)

3-10-2: **APPLICATION FOR LICENSE:** Application for special events shall be made in writing on the special event application to be provided by the village clerk. The application shall contain the name of the applicant, if an individual, the names of partners, if a partnership, or the names of the principal officers, if a corporation or business, church, club, or charitable institution, and shall include such other information as required on the permit application. (Ord. 484, 3-10-2014)

3-10-3: **LICENSE FEE; TERM:** The license fee to be charged for such application is one hundred dollars (\$100.00), to be paid at the same time when the completed application is returned to the village clerk. Said fee is nonrefundable. No license shall be valid for more than two (2) days. (Ord. 484, 3-10-2014)

3-10-4: **INSPECTIONS:** The chief of police and the chief of the fire department shall make or cause to be made sufficient inspections to ensure the compliance with the provisions of this chapter and other applicable provisions of the village ordinances by the personnel conducting such special event. (Ord. 484, 3-10-2014)

3-10-5: **RESTRICTIONS AND REQUIREMENTS:**

- A. No street or alley shall be blocked by any special event, unless pre-approved by the village board, under conditions set forth by the village board or chief of police.
- B. A four foot (4') passageway for pedestrians shall be left open so that event activities shall not endanger passersby or extrude into any street or alley.
- C. Such events shall not be operated in any manner which would cause a nuisance or create a fire hazard. (Ord. 484, 3-10-2014)

3-10-6: **DEADLINE FOR APPLICATION PROCESS:** All special permit applications and payments must be made at least thirty (30) days prior to the proposed special event date. No special event permits will be issued without final approval of the village board. (Ord. 484, 3-10-2014)

3-10-7: **PENALTY:** Any person violating any provision of this chapter shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 484, 3-10-2014)

**PUBLIC HEALTH
AND
SAFETY**

TITLE 4
PUBLIC HEALTH AND SAFETY

Subject	Chapter
Fire Department	1
Fire Prevention And Protection	2
Nuisances	3
Garbage And Refuse	4
Privies And Cesspools	5
Wells	6

CHAPTER 1

FIRE DEPARTMENT

SECTION:

- 4-1-1: Department Created, Members
- 4-1-2: Officers
- 4-1-3: Duties of Fire Chief
- 4-1-4: Firefighters
- 4-1-5: Secretary-Treasurer
- 4-1-6: Issuance of Warrants
- 4-1-7: Retirement
- 4-1-8: Hindering Officers
- 4-1-9: Property Saved at Fire

4-1-1: **DEPARTMENT CREATED, MEMBERS:** There is hereby created a Fire Department to be known as the South Pekin Volunteer Fire Department. The Fire Department shall consist of a Fire Chief, an Assistant Fire Chief, firefighters, drivers, truckmen and a president and secretary-treasurer, and such other persons or employees as the President and Board of Trustees may from time to time by motion or resolution provide. (1970 Code §5-1-1)

4-1-2: **OFFICERS:** There is hereby created the offices of Fire Chief and secretary-treasurer, each office to be filled by a member of said Fire Department and elected by majority vote of the members thereof, the election for each officer to be ratified by the Board. (1970 Code §5-1-2; 1995 Code)

4-1-3: **DUTIES OF FIRE CHIEF:**

- A. **Custody of Property:** The Fire Chief shall have the custody of the engines, hose carts, trucks, ladders, buildings, equipment and all other property or things belonging to, or appertaining to said Fire Department. (1970 Code §5-1-3)

- B. **Examination and Maintenance of Equipment:** The Fire Chief shall, at least twice a year, and at such other times as directed by the Board of Trustees, examine into the condition of the equipment and apparatus of the Fire Department, and he shall report to the Board of Trustees within ten (10) days after such examination, together with any recommendations that he may deem proper to make for the good of the Department. He shall keep himself at all times fully informed on the condition and efficiency of all equipment and apparatus, and when the same shall require alteration or repair, he shall cause the same to be done under the supervision and direction of the Police, Fire and EMA Committee of the Board of Trustees.
- C. **Prefer Charges Against Members for Neglect of Duty:** He may prefer charges to the Police, Fire and EMA Committee against any member of the Fire Department for incompetency, neglect of duty, disobedience of orders, or violation of any of the rules and regulations of said Department. (1970 Code §5-1-4; 1995 Code)
- D. **Records and Reports:**
1. **Record of Members:** The Fire Chief shall keep a record of all of the members of the Department, showing the date of their employment, enlistment or discharge, together with their age, rate of pay, if any, and the amount due them and shall report the same at the end of each month to the President and Board of Trustees.
 2. **Report Fires:** He shall also report an accurate record of all fires occurring in the Village, fire districts and territories under current contract and/or currently being served by the Fire Department, including the date, name of the owner of the property damaged or destroyed, the cause of fire, the loss in kind and in value, the amount of insurance coverage, and such other information as may be required of him or as he may deem of importance to the Village. (1970 Code §5-1-5)
- E. **Organization of Department:** The Fire Chief shall see that the organization of the said Department is efficiently preserved, its records properly kept and its rules and regulations duly observed by its members. (1970 Code §5-1-6)

4-1-4: **FIREFIGHTERS:**

- A. **Appointment:** The Police, Fire and EMA Committee shall appoint and designate as many voluntary firefighters as they may deem

necessary and shall see that such volunteers are properly organized. Said volunteers may, with the consent and approval of the President and Board of Trustees, make and establish rules and regulations for the government of their Department, not inconsistent with the provisions of this Chapter. (1970 Code §5-1-7; 1995 Code)

B. Qualifications: No person shall be a member of said Fire Department unless he has attained the age of eighteen (18) years, is a person of good moral character and is qualified to vote in the Municipal elections of the Village. (1970 Code §5-1-11; 1995 Code)

C. Illinois Fire Protection Training Act¹:

1. The Village hereby elects to participate in the programs provided for in the Illinois Fire Protection Training Act.

2. Before an individual may commence regular employment as a firefighter, such person must have been certified by the Illinois State Fire Marshal as a Firefighter II, as having successfully completed an approved training course as provided in said Act.

3. The Firefighter II training must be completed by the trainee within his probationary period of thirty two (32) months. (Ord. 303A, 11-1-82; 1995 Code)

4-1-5: **SECRETARY-TREASURER:**

A. Bond: Before entering upon the duties of his office, the secretary-treasurer shall execute a proof of bond to the Village in the penal sum of ten thousand dollars (\$10,000.00).

B. Duties:

1. The secretary-treasurer shall have custody of all monies received by the Fire Department, including funds received a) from the Village, b) from the fire districts and territories from time to time currently being serviced, and c) from all other sources, fire insurance tax, contributions and otherwise, each of said funds to be kept in separate and individual accounts and bank deposits, and he shall keep an accurate account of all monies received by him and its source, making a full and accurate report of all receipts to the Board annually.

1. S.H.A. 50 ILCS 740/1 et seq.

2. Said accounts shall be concurrent with the fiscal year of the Village and shall be submitted for audit as a matter of course with the corporate and several accounts of the Village. (1970 Code §5-1-9; 1995 Code)

4-1-6: **ISSUANCE OF WARRANTS:** All payments made from any of the funds or accounts of the Fire Department shall be made only by the issuance of warrants over the name South Pekin Volunteer Fire Department, signed by its president and countersigned by its secretary-treasurer; provided, said warrants shall issue only upon a majority vote of those present at a regular meeting of the Fire Department; and provided further, that every such warrant shall state plainly on its face the precise purpose for which it is drawn. (1970 Code §5-1-10)

4-1-7: **RETIREMENT:** Every member, upon attaining the age of sixty five (65) years, shall automatically be retired from active service and participation as a member and be presented with a service pin and made an honorary member of the Fire Department; and provided, that any member, before attaining the age of sixty five (65) but who becomes permanently disabled, shall be automatically retired and presented a service pin and made an honorary member of the Department, regardless of length of service, at the annual banquet following such permanent disablement. (1970 Code §5-1-12; 1995 Code)

4-1-8: **HINDERING OFFICERS:** It shall be unlawful to wilfully or intentionally hinder or interfere with any Village officer or firefighter in the performance of his duty, or wilfully or negligently drive any vehicle, locomotive or train of cars across, or upon any hose or otherwise damage any equipment or apparatus belonging to said Department. (1970 Code §5-1-13)

4-1-9: **PROPERTY SAVED AT FIRE:** No person shall be permitted to remove or take away any property in the possession of the Department saved from fire until proof of the ownership shall have been made to the satisfaction of the Fire Chief. (1970 Code §5-1-14)

CHAPTER 2

FIRE PREVENTION AND PROTECTION

SECTION:

- 4-2-1: Fireworks
- 4-2-2: Open Burning
- 4-2-3: Tank Trucks Carrying Gasoline, Flammable Liquids

4-2-1: **FIREWORKS:**

- A. Definition: For the purpose of this section, "fireworks" means any explosive composition or substance or combination of substances prepared for the purpose of producing an audible or visible effect by combustion, explosion, deflagration or detonation. It shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs or other fireworks of similar construction or any other tablets and devices containing any explosive substance, compound or mixture; provided, however, that the term "fireworks" shall not include toy pistols, toy guns or other devices in which paper caps are used; provided further, that such paper caps contain twenty five one-hundredths (0.25) grains or less explosive compound and that they are so constructed that the hand cannot come in contact with the cap when in place for the explosion. (1970 Code §5-6-1)

B. Sale, Use Or Storage; Permit Required:

1. No person shall sell, offer for sale, expose for sale, loan, give away, store or have in possession with intent to sell, or to use, discharge or cause to be discharged, fired or otherwise set in action within the village any "fireworks" as above defined; provided, however, that public exhibition of fireworks and pyrotechnics may be given if a permit therefor be granted by the village clerk with the approval of the board of trustees. Proof of insurance is required from the applicant for such a permit. Such public exhibition for which a

permit has been duly acquired shall be subject to the supervision of the fire chief or of some person designated by him. (1970 Code §5-6-2; amd. 1995 Code)

2. It shall be unlawful for any person to buy, sell, use, ignite or explode fireworks of any kind within the village; provided, however, that a permit may be secured from the village clerk allowing displays and exhibitions to be held on holidays or other special occasions when adequate precautions are taken and facilities provided to prevent injury to person or property. (1970 Code §6-2-4-6)

C. **Seizure Authorized:** The fire chief, with approval of the board of trustees, shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this section. (1970 Code §5-6-3)

D. **Exceptions:** The provisions of this section shall not apply to:

1. The use of fireworks by railroads or other transportation agencies for signal or illumination purposes; provided, however, that such used articles will be disposed of by burying the same in the ground or immersing the same in water; or

2. The use of blank cartridges for signal or ceremonial purposes in athletics or sports contests; or

3. Use by the armed forces of the United States or the state of Illinois. (1970 Code §5-6-4)

4-2-2: OPEN BURNING:

A. **Definitions:**

BONFIRE: An outdoor fire utilized for ceremonial purposes.

BRUSH: Tree trunks, limbs, branches and twigs.

CEREMONIAL FIRE: An outdoor fire larger than three foot by three foot (3'x 3'x 3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass, shrubbery clippings or cuttings.

INSTRUCTIONAL FIRE:	The setting of fires for the purpose of instruction in methods of firefighting by the applicable fire department.
INTENTIONAL FIRE:	The setting of fires to combat or limit existing fires or in emergency or other extraordinary circumstances when reasonably necessary in the judgment of the responsible officer of the applicable fire department.
LANDSCAPE WASTE:	All accumulations of grass, shrubbery clippings or cuttings, leaves, flowers or weeds.
OPEN BURNING:	The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
RECREATIONAL FIRE:	An outdoor fire for warmth, cooking for human consumption or temporary nonceremonial purposes where the fire is not larger than three feet by three feet by three feet (3'x 3'x 3') and excludes leaves, grass, shrubbery clippings or cuttings.

B. Prohibitions:

1. It shall be unlawful to build, light, kindle, permit or maintain any "bonfire" within the village limits.
2. It shall be unlawful to build, light, kindle, permit or maintain any "ceremonial fire" within the village limits.
3. It shall be unlawful for any person to cause or allow "open burning", unless permitted or approved in accordance with this code.
4. It shall be unlawful to build, light, kindle, permit or maintain "any fire" so close to a building or structure as to cause danger thereto or

under any other circumstances where there is a danger of the fire spreading.

5. It shall be unlawful to build, light, kindle, permit or maintain "any fire" on public or private roads, alleys, sidewalks or easements.

6. It shall be unlawful to build, light, kindle, permit or maintain "any fire" when the wind is in excess of ten (10) miles per hour.

7. It shall be unlawful to build, light, kindle, permit or maintain an "open burn" other than between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M.

8. It shall be unlawful to build, light, kindle, permit or maintain a "recreational fire" past the hour of twelve o'clock (12:00) midnight.

9. It shall be unlawful to build, light, kindle, permit or maintain "open burning" of any materials other than dry landscape waste and brush, and the open burning of dry landscape waste and brush shall only occur on the property upon which the landscape waste and brush was generated.

10. It shall be unlawful to build, light, kindle, permit or maintain the "open burning" of landscape waste and brush without being supervised until the fire is extinguished.

11. It shall be unlawful to build, light, kindle, permit or maintain an "open burn" without a fire extinguisher or garden hose, or water source being available at the burning site.

12. It shall be the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.

13. All fires must be extinguished if they create a fire hazard, nuisance, pollution problem or threat to public health.

C. Exceptions:

1. The setting of fires to combat or limit existing fires or in emergency or other extraordinary circumstances when reasonably necessary in the judgment of the responsible officer of the applicable fire department.

2. The setting of fires for the purpose of instruction in methods of firefighting by the applicable fire department, provided however, firefighting equipment adequate for the size of the fire shall be on site and nearby during times of burning, burning shall not be for disposal purposes and all burning shall comply with other federal, state and local laws, rules and ordinances.

- D. Penalties: The property owner and the person conducting such burning shall be jointly and severally liable for any violation of this section. Any person, firm or corporation violating any provision of this section shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 439, 9-12-2005)

4-2-3: TANK TRUCKS CARRYING GASOLINE, FLAMMABLE LIQUIDS:

- A. No tank truck conveying gasoline or other volatile liquids within the village shall park or stand upon any street, alley or other public way except for the purpose of unloading; provided however, that the standing of such vehicle made necessary by mechanical trouble, traffic conditions, accident or in obedience to the direction of a policeman or traffic signal shall not be considered a violation of this section.
- B. Any tank truck unloading gasoline or other volatile liquid within the village shall have present at all times some person having authority over such vehicle to supervise and watch such unloading and to prevent the danger of explosives by reason of any fire hazard.
- C. Tank trucks carrying flammable or volatile liquids shall not travel at any speed in excess of ten (10) miles less than the posted speed limits. (1970 Code §5-4-2)

CHAPTER 3
NUISANCES

SECTION:

- 4-3- 1: Definition
- 4-3- 2: Duty To Maintain Private Property
- 4-3- 3: Declaration Of Nuisance
- 4-3- 4: Duty Of Village Officers To Investigate; Power Of Entry
- 4-3- 5: Notice To Proper Officials
- 4-3- 6: Foul Odors, Filth
- 4-3- 7: Rubbish, Dry Grass
- 4-3- 8: Petroleum Products, Explosives
- 4-3- 9: Unsafe Buildings
- 4-3-10: Inoperable And Unused Motor Vehicles/Parts
- 4-3-11: Abatement Procedure For All Nuisances Other Than
 Inoperable And Unused Motor Vehicles/Parts; Costs; Lien
- 4-3-12: Enforcement
- 4-3-13: Penalty

4-3-1: **DEFINITION:** For the purpose of this chapter, the following definitions of "nuisances" shall apply unless the context clearly indicates or requires a different meaning:

- A. Any condition or use of premises or building exterior which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on, or the scattering over the premises of any of the things or conditions set forth in the following subsections.
- B. Lumber, junk, trash or debris.
- C. Abandoned, discarded or unused objects or equipment such as automobiles or parts, furniture, stoves, refrigerators, freezers, cans, containers, or building materials such as lumber, windows, cement blocks, piping or wire.

- D. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gases, or attract rodents, vermin or other disease carrying pests, animals or insects; provided, that the presence of earthworms in a compost pile shall not constitute a nuisance.
- E. Unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals.
- F. Weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of like kind.
- G. Weeds, grasses or plants, other than trees, bushes, flowers or other ornamental plants. It shall be unlawful for anyone to permit any weeds, grasses, plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding twelve inches (12") anywhere in the village. Any such plants or weeds exceeding such height are declared to be a nuisance.
- H. Abandoned or inoperative motor vehicles and equipment.
- I. Things interfering with peace or comfort. Sound, animals or things which interfere with the peace and comfort or disturb the quiet of any person in the village constitute a public nuisance.
- J. Offensive, nauseous or dangerous things. Anything which is made, permitted, used, kept, maintained or operated, or any building or any animal that is kept in the village or outside the village but within one-half ($1/2$) mile of its limits, in a manner that is offensive, nauseous, dangerous to life, limb or property or detrimental to the health of the persons residing in that area shall be a public nuisance.
- K. Tanneries, soap factories and the like. Whoever shall, within the limits of the village, establish or maintain any tallow chandlery, tannery, bone or soap factory, or shall steam, boil or render any tainted lard, tallow, offal or other unwholesome animal substance shall be deemed guilty of a nuisance; or whoever shall, without the village limits and within one mile thereof, establish or maintain any such chandlery, factory, tannery or rendery without first having obtained such permission and consent shall so conduct or carry on any such business as to taint the air and render it offensive or unwholesome, or so as to affect the health or comfort of persons

residing in the neighborhood thereof shall be deemed guilty of a nuisance.

- L. Discharge of offensive matter. Whoever shall, within the Village, place, throw or permit to be discharged, or to flow from or out of any house or premises, any filthy, foul or offensive matter or liquid of any kind, into any street, alley or public place, or upon any adjacent lot or ground, or shall allow or permit the same to be done by any person connected with the premises, under his control, shall be deemed guilty of a nuisance.
- M. Any other condition dangerous to health; offensive to community moral standards; unlawfully obstructing the public in the free use of public property; or behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.
- N. Connection of footing tile or downspouts to the sanitary sewer system. Whoever shall maintain their premises so as to cause, allow or permit storm water, surface water, ground water, runoff water, subsurface drainage water or the like to be discharged into the sanitary sewer system of the Village, by way of downspouts, footing tile or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby contributing to the backup, surcharge, overflow or discharge of said sanitary sewer system into or onto the premises of another shall be deemed guilty of a nuisance. Whoever shall maintain their premises so as to cause, allow or permit storm water, surface water, ground water, roof runoff water, subsurface drainage water or the like to be discharged into the sanitary sewer system of the Village, by way of downspouts, footing tiles or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby causing or tending to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, shall be deemed guilty of a nuisance.
- O. The various nuisances described and enumerated in this Section shall not be deemed to be exclusive but shall be in addition to all other nuisances prescribed or prohibited by this Chapter and those offenses known to the common law or to the statutes of this State as nuisances. (Ord. 365, 7-5-93)

4-3-2: **DUTY TO MAINTAIN PRIVATE PROPERTY:** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property located in the neighborhood in which such premises are located. (Ord. 365, 7-5-93)

4-3-3: **DECLARATION OF NUISANCE:** Any act of any person or group within the Village whereby the health or life of any person may be endangered, injured or impaired; or any disease may, directly or indirectly, be caused by the act; or because of the act, any property may be endangered, injured, damaged or is substantially diminished in value as described in Section 4-3-1 of this Chapter is hereby declared to be a nuisance and unlawful. (Ord. 365, 7-5-93)

4-3-4: **DUTY OF VILLAGE OFFICERS TO INVESTIGATE; POWER OF ENTRY:**

- A. For the purpose of discovering nuisances, it shall be the duty of the police, fire, health and building officers and inspectors to investigate, confirm and report any nuisances coming to their attention.
- B. In order to investigate, confirm and report nuisances, said officers and inspectors shall, upon proper identification, be permitted at any reasonable hour and in a reasonable manner, to visit and enter into or upon any premises or property within the Village to make an examination thereof, if they shall have reasonable grounds to believe that a nuisance exists. (Ord. 365, 7-5-93)

4-3-5: **NOTICE TO PROPER OFFICIALS:** Whenever any nuisance shall be reported to or investigated and determined by the police, fire, health or building officers or inspectors, notice shall be given to the owner or person in control of the property or premises involved, and to the appropriate Village officials whose functions include the abatement of such nuisance. (Ord. 365, 7-5-93)

4-3-6: **FOUL ODORS, FILTH:** It is hereby declared to be a nuisance and a danger to the health, safety, welfare, peace and comfort of the Village and its residents for any person:

- A. **Business:** To conduct any business or to use any premises so as to create an offensive or foul odor which taints the air and renders it nauseous to persons in the vicinity; or
- B. **Animals:** To keep or maintain any animals in an unclean or filthy manner or surroundings, or to keep or maintain any animals from which emit any particularly foul or offensive odors; or
- C. **Animal Carcasses, Etc.:** To cause or permit to be collected or to remain upon any premises or place any animal carcass or any offal, filth, excretion or other noisome or noxious animal matter of any kind which is, or is likely to become, putrid, foul or offensive; or
- D. **Vegetable Matter:** To cause or permit to be collected or to remain upon any premises or place any slop or other vegetable matter of any kind which is or is likely to become putrid, foul or offensive; or
- E. **Cellars, Vaults, Privies, Etc.:** To cause or permit any cellar, vault, cistern, drain, privy, yard or other premises whatsoever to become, from any cause, foul or offensive or injurious to the public health; or
- F. **Stagnant Water:** To permit to be collected or to stand upon any premises any foul or stagnant water of any kind; or
- G. **Stables And Pigsties:** To locate or maintain, or permit to exist or remain anywhere within the village any stable or pigsty; or
- H. **Foul Or Noxious Substances:** To use, deposit or keep any property, substance or thing emitting or causing any foul, offensive, noisome, nauseous or noxious odor, effluvia or stench particularly repulsive to the physical senses and which annoys, discomforts or endangers the welfare, health or safety of any person. (Ord. 365, 7-5-1993)

4-3-7: **RUBBISH, DRY GRASS:** It is hereby declared a menace to the public safety and health and a nuisance for any person to cause or permit:

- A. **Rubbish, Rags, Etc.:** The deposit or accumulation of any refuse, oily rags, rubbish or other materials or substances of any kind, so as to constitute a fire hazard;
- B. **Dry Grass, Vegetation, Etc.:** The deposit, accumulation, existence or growth upon any property of any dry or dead weeds, grass, vegeta-

tion or other like substances of any kind, so as to constitute a fire hazard; or

- C. **Garbage And Refuse:** The deposit, accumulation or existence of any refuse, including rubbish, garbage, bulky wastes or brush or other materials or substances in any waterway. (Ord. 365, 7-5-1993)

4-3-8: PETROLEUM PRODUCTS, EXPLOSIVES: It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit:

- A. **Petroleum Products:** The accumulation or storage of any petroleum, naphtha, benzine, coal oil, gasoline, kerosene, turpentine or other petroleum products or inflammable fluids of any kind, in quantities greater than ten (10) gallons on the interior of or within fifty feet (50') of any building exclusively occupied as a residence; provided, however, that this section shall not apply to licensed gasoline service stations or to fuel used for heating the nearest adjacent residence.
- B. **Explosives:** The deposit, accumulation, storage or presence, within one hundred (100) yards of any building occupied as a residence or business, of any powder magazine, nitroglycerine, dynamite or other explosive substance of any kind. (Ord. 365, 7-5-1993)

4-3-9: UNSAFE BUILDINGS: It is hereby declared a menace to the public safety and a nuisance for any person to cause or permit the existence of any unsafe, dilapidated or otherwise insecure building, wall, stack, chimney, cornice, sign, awning or other like structure of any kind which, from manner or construction, age, condition or other circumstances, is or may become a menace to the safety of persons or property. (Ord. 365, 7-5-1993)

4-3-10: INOPERABLE AND UNUSED MOTOR VEHICLES/PARTS¹:

- A. **Nuisance Declared:** It is hereby declared a menace to the public safety and nuisance for any person to cause, permit or allow the existence of any inoperable motor vehicle, any motor vehicle not regularly used, including, but not limited to, inoperable antique vehicles, or any parts of a motor vehicle to exist or be stored upon

1. See also section 6-2-3 of this code.

any public or private property within the village provided, however, that nothing in this section shall apply to any motor vehicle or part thereof which is kept in a building, or to a motor vehicle or parts thereof completely on the premises of a duly licensed junkyard or lawful storage facility business within the village. A "carport" or other open sided structure, whether connected to a building or self-contained, no matter the location on the property, is not considered a "building" for the purposes of this subsection.

B. Definitions:

**INOPERABLE
MOTOR
VEHICLE:**

Any motor vehicle: 1) from which, for a period of at least seven (7) days, the engine, wheels, or other parts have been removed; or 2) on which the engine or other parts have been removed, altered, damaged or otherwise treated so that the vehicle is incapable of being driven under its own motor power. Inoperable motor vehicle shall not include any 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. However, a motor vehicle upon which repairs or services are not concluded within seven (7) days from the date of the notice specified in subsection C of this section shall not be deemed to be "rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations" and shall be construed to be an inoperable motor vehicle. The fact that the inoperable motor vehicle is on a licensed trailer does not make it exempt from this definition.

**MOTOR
VEHICLE NOT
REGULARLY
USED:**

Any motor vehicle which: 1) has not been driven off the premises where it is parked or stored under its own motor power for a period longer than two (2) months; or 2) is not registered, licensed, or properly displaying registration plates or stickers as required under article IV of chapter 3 of the Illinois vehicle code; or 3) is registered as an antique vehicle but is not driven at least one time a week; or 4) exhibits damaged parts or parts in disrepair, including,

but not limited to, broken and missing windows, body panels with holes, and fluid leaks, which poses an open threat of injury or contamination for a period longer than fourteen (14) days. The fact that the vehicle is on a licensed trailer does not make it exempt from this definition.

- C. **Notice To Abate:** Whenever any police officer determines that a nuisance as declared in this section exists, the police officer shall cause a written notice to abate to be served upon the person who is causing, permitting or allowing the nuisance to exist. Said notice shall describe the inoperable motor vehicle, motor vehicle not regularly used, or motor vehicle parts and give the person served seven (7) days from the date of service of the notice to abate the nuisance. If the residency is a rental unit, notice shall also be sent to the landowner. Such notices shall be by means of personal service or by certified or registered mail. Personal service shall be by any police officer of the village of South Pekin or any person authorized by law to make personal service. If the person served with the written notice to abate fails to abate within the seven (7) day period, it shall be presumed that the motor vehicle is an inoperable motor vehicle and/or motor vehicle not regularly used, as the case may be, and the village police and persons hired for the purposes of abating said nuisance are hereby authorized to enter the private property upon which the nuisance rests, and cause removal of said nuisance.
- D. **Postseizure Hearing:** Within seven (7) days of the seizure and/or towing of any junked or disabled motor vehicle or any body, part, equipment, motor and material thereof, the owner of said property shall be given written notice of his or her rights to a prompt postseizure hearing before the village attorney or his designated representative.

Failure of the person upon whom which notice was served to request a hearing within said seven (7) day period shall be deemed by the village a waiver of the right to dispute the village's determination as to the need to abate, and consent of the village to dispose of the seized property as the village deems fit. Should the owner request a hearing within said seven (7) days for purposes of contesting seizure and/or tow prior to disposal, the hearing shall be held within thirty (30) days of date of request. The village attorney or the village trustee who has been appointed as the chair of the health, safety and sanitation board committee shall serve as hearing officer.

The village must make a showing of probable cause for said seizure prior to the disposal or demolition of said property. Should the hearing determine that the seizure of said property was without probable cause, said property shall be returned to the owner thereof; otherwise, the village may proceed to dispose of said property; provided, however, at the time of said hearing, the hearing officer is empowered or authorized, after consultation with the village board or the police department as the case may be, to make any suitable disposition of said property other than the sale or demolition thereof.

E. Costs; Liens:

1. The cost and expense of removing and disposing of junked or disabled motor vehicles or any body, part, equipment, motor and material thereof from private property shall be recoverable from the owners of the real estate and is a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however, that within ninety (90) days after completion of the removing and disposing of such motor vehicles or their parts, the village attorney shall file a notice of lien for the cost and expense incurred by the village in the office of the recorder of deeds in Tazewell County. Upon payment of said cost of removing and disposing of the junked or disabled motor vehicle or any body, part, equipment, motor and material thereof, the lien shall be released by the village attorney.

2. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's liens. Suit to foreclose this lien shall be commenced by the village attorney within three (3) years after the date of filing of notice of lien.

3. If payment of the village cost of removing and disposing of the junked or disabled motor vehicle or any body, part, equipment, motor and material thereof is not paid to the village within fifteen (15) days of the filing of the notice of lien, the village attorney may commence proceedings in the circuit court seeking a personal judgment from the owner of the subject property at the time said proceedings are commenced in the amount of said costs. The action authorized by this subsection E3 shall be in addition to, and without waiver of, any other remedies.

F. Responsible Person: A person shall fall within that class of persons who shall be deemed to cause, permit or allow such a nuisance to exist if such person:

1. Has an ownership interest in or is in control of the inoperable motor vehicle;
 2. Causes the inoperable motor vehicle to be deposited at the site in question;
 3. Has an ownership interest or lease/rental interest in the real estate upon which the inoperable motor vehicle is located;
 4. Has an ownership interest in or operates a business which causes, permits or allows such a nuisance to exist on the real estate upon which the business is operated or on adjacent real estate which is under the control of the business owner or operator; or
 5. Has an ownership interest in real estate upon which a business is being operated and the operator or owner of said business causes, permits or allows such a nuisance to exist on the real estate upon which the business is being operated or on adjacent real estate which is under the control of the person having an ownership interest in real estate upon which said business is being operated.
- G. Violation: It shall be unlawful for any owner or person in control thereof to store or allow to remain left in the open on public property or upon open, private land not enclosed by garage, enclosed building, or on the property of duly licensed junkyard or any storage facility and in view of the general public for a period of more than seven (7) days in any one calendar month, or for any period of time wherein said property should jeopardize the public safety by either creating an unsafe condition or significantly hindering the efficient movement of traffic, any inoperable and unused motor vehicles and any motor vehicle not regularly used or any body, part, equipment, motor and vehicle parts. However, this shall not apply to anyone operating a business enterprise lawfully conducted on any private premises or vacant lot.
- H. Penalties: Anyone convicted of a violation of this section shall, in addition to the costs set forth in subsection E of this section, be subject to penalty as provided in section 1-4-1 of this code for each offense. Each day that there is a violation shall constitute a separate offense. After receipt of the notice of violation of any provision of this section, anyone accused of violating any provision of this section may settle his or her violation claims with the village by curing the violation by removing the offending items to the satisfaction of the ticketing officer/individual and by making payment of fifty dollars (\$50.00) for each day of violation to the village treasurer for each

violation hereof, in addition to the costs set forth in subsection E of this section, at least seven (7) days prior to the scheduled court appearance written on his or her notice to appear. (Ord. 464, 7-11-2011)

4-3-11: ABATEMENT PROCEDURE FOR ALL NUISANCES OTHER THAN INOPERABLE AND UNUSED MOTOR VEHICLES/PARTS; COSTS; LIEN:

A. Procedure; Notice To Abate:

1. The village police, fire, health or building officers or inspectors shall, after inspection and investigation, cause a notice in writing to be served upon the person who is responsible for the existence of the nuisance. The notice may be served by mailing a copy thereof to the last known address of the person who is responsible for the existence of the nuisance, return receipt requested.

2. The notice shall indicate the date of the inspection and investigation, and the hour and location where the inspection was made. The notice shall set forth what the nuisance consists of and indicate the abatement remedy required.

B. Compliance With Notice: When any nuisance, or anything likely to become a nuisance, may be found upon any premises, and the person causing such nuisance is unknown or cannot be found, the owner, agent or occupant of the premises shall be notified by the village officials to abate the same. No such owner, agent or occupant, whose duty it is made to abate such nuisance, shall fail to promptly comply with such notice.

C. General Abatement Remedies; Alternative: After the expiration of fourteen (14) days, except in the case of weeds, grasses and plants as defined in subsections 4-3-1F and G of this chapter, in which case it shall be seven (7) days from the date the notice was mailed, if the nuisance is not abated or other remedy made as required, the village may choose either one of the following abatement remedies:

1. The nuisance may be abated by the village under the direction of the village mayor, and the cost of so doing shall be collected from the person who is responsible for the nuisance with a penalty of ten percent (10%) of such costs in an appropriate court of competent jurisdiction; or

2. In addition to the other remedies and penalties provided in this chapter, the village attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction or for damages, against any person violating this chapter.

D. **Abatement In Case Of Emergency:** If a nuisance constitutes an emergency, the time for abatement may be reduced by the village official in the notice which specifies that the emergency exists.

E. **Village Abatement Of Weed Nuisances:** In the event the village chooses to abate a weed nuisance, the following additional remedies are available to the village:

1. **Charges:** There is hereby established a charge of twenty five dollars (\$25.00) per hour for the removal of weeds and grasses pursuant to this chapter, which charge shall be not less than twenty five dollars (\$25.00) in any event.

2. **Lien:**

a. Charges for such grass and weed removal shall be a lien upon the premises. Within sixty (60) days after such cost and expense is incurred by the village, the village clerk may file a notice of lien with the recorder of deeds of the county. This claim of lien statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the village claims a lien for this amount.

b. Notice of such lien claim shall be mailed to the owner of the premises if his address is known.

3. **Foreclosure Of Lien:**

a. Property subject to a lien for unpaid weed and grass cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as in the case in the foreclosure of statutory liens. Such foreclosures shall be in equity in the name of the village.

b. The village attorney is hereby authorized and directed to institute such proceedings, at the direction of the corporate authorities in the name of the village, in any court having jurisdiction over such matter, against any property for which such bill has

remained unpaid for a period of sixty (60) days against the owner of said premises in the foreclosure action. (Ord. 365, 7-5-1993)

4-3-12: **ENFORCEMENT:** Enforcement of this chapter may be accomplished by the village in any manner authorized by law; and, in addition, any person who, by reason of another violation of any provision of this chapter, suffers special damage to himself different from that suffered by other property owners throughout the village generally, may bring an action to enjoin or otherwise abate an existing violation. (Ord. 365, 7-5-1993)

4-3-13: **PENALTY:** Whoever violates any provision of this chapter shall be subject to penalty as provided in section 1-4-1 of this code. This penalty shall be in addition to the costs and penalty provided for the abatement of nuisances as provided in section 4-3-11 of this chapter. (Ord. 365, 7-5-1993; amd. 1995 Code)

CHAPTER 4

GARBAGE AND REFUSE

SECTION:

- 4-4- 1: Supervision Of Garbage Collection
- 4-4- 2: Garbage Defined; Container Specifications
- 4-4- 3: Application For Village Service; Deposit
- 4-4- 4: Service Rates And Charges
- 4-4- 5: Weekly Collection By Village
- 4-4- 6: Garbage Collectors; Licensing And Regulations
- 4-4- 7: Accumulation Prohibited
- 4-4- 8: Illegal Deposits
- 4-4- 9: Offensive Substances
- 4-4-10: Dumping Restricted

4-4-1: **SUPERVISION OF GARBAGE COLLECTION:** All matters relating to or affecting the collection, removal or disposal of garbage, household refuse, ashes or waste material is hereby specifically placed under the direction of the health, safety and sanitation department and shall be subject to and under the supervision and direction of that department. The said department is hereby authorized and directed to cause all garbage, household refuse, ashes and miscellaneous waste and refuse to be collected regularly and systematically throughout the village. (1970 Code §7-4-1; amd. 1995 Code)

4-4-2: **GARBAGE DEFINED; CONTAINER SPECIFICATIONS:**

- A. Garbage: "Garbage" is defined to include all organic, household or kitchen waste, such as unused food and food residues, and any paper used for wrapping. Said garbage shall be removed from the premises at least once each week as nearly as practical throughout all the months of the year.
- B. Container: Garbage receptacles must be of galvanized metal with close fitting covers, or of other material practical for such purposes,

and said receptacles shall be watertight and shall have a capacity of not to exceed twenty (20) gallons, and shall be kept in a sanitary condition.

- C. Ashes: Ashes and other waste materials shall be placed in containers suitable for handling. (1970 Code §7-4-3)

4-4-3: APPLICATION FOR VILLAGE SERVICE; DEPOSIT:

- A. Application: Should the health, safety and sanitation department organize a garbage collection service to be operated by the village, no garbage collection service shall be provided the owner, occupant or lessee of any premises in the village until the owner of said premises shall have completed an application therefor in writing and filed the same with the village clerk, stating the type of residential or commercial structures which are located on the applicant's premises and from which garbage is to be collected. (Ord. 246, 5-17-1976; amd. 1995 Code)
- B. Deposit: Each applicant for village garbage service shall deposit the sum of fifty dollars (\$50.00) with his application before the service is begun. Each such deposit shall be held by the village as security for payment of the garbage collection fees applicable to each said residential structure or commercial business. The deposit shall be refunded to the applicant at such time as when the applicant shall have paid his garbage charges within the time stated on the billing for twenty four (24) consecutive months. (Ord. 453, 11-10-2008)

4-4-4: SERVICE RATES AND CHARGES:

- A. Residential: Any structure constructed solely for the purpose of human habitation shall be charged at a rate of nineteen dollars (\$19.00) per month per each family dwelling unit contained therein. Dumpsters will also be available for a fee of seven dollars (\$7.00) per loose yard and a thirty dollar (\$30.00) drop fee. Dumpsters shall be returned to the village after no more than thirty (30) days. Should no other resident request the use of said dumpster, the dumpster use may be renewed by the payment of an additional thirty dollar (\$30.00) use charge for each thirty (30) day renewal period after the initial drop fee.
- B. Commercial: Any structure located in an area zoned for other than residential use and in which a commercial enterprise or establish-

ment is situated, shall be billed a commercial rate of seven dollars (\$7.00) per loose yard per pick up.

- C. **Special Pick Up Items:** Any substance which does not meet the definition of "garbage", as listed in section 4-4-2 of this chapter, or any object that cannot be placed in a twenty (20) gallon garbage container or lifted by one person, shall be deemed a special pick up item and shall be subject to an additional charge of thirty dollars (\$30.00) per pick up.
- D. **Container Removal:** All garbage receptacles shall be placed at the designated point of collection, which shall be no more than ten feet (10') and no less than five feet (5') from the edge of the pavement in front of the residence. Such placement shall be no more than twenty four (24) hours before the pick up time and shall be removed within twenty four (24) hours after the pick up time from the designated point of collection, and kept in a place of concealed containment until the next scheduled day of collection. (Ord. 446, 3-5-2007)
- E. **Free Service For Senior Citizens:** As of February 6, 2001, garbage service shall be provided free of charge to those residents of the village who are sixty five (65) years of age or older, and whose total fixed monthly income is one thousand dollars (\$1,000.00) or less. (Ord. 412, 3-5-2001; amd. Ord. 437, 9-12-2005)
- F. **Rendition Of Bills; Delinquencies:** Statement of fees for the collection of garbage and waste material shall be rendered monthly by the village clerk and shall be delinquent fifteen (15) days after their rendition, and in the event of failure to pay the bill in said fifteen (15) day period, an additional charge of ten percent (10%) shall be added to the bill. (Ord. 359, 4-6-1992; amd. Ord. 437, 9-12-2005)
- G. **Responsibility For Payment:** Fees for the collection of garbage and waste materials shall be chargeable to, and payable by, the fee simple owner of the premises from which, or on behalf of which, the garbage is collected regardless of whether the owner of the fee simple resides in, or conducts a business upon, the premises. In the case of premises upon which are located multiple-family dwellings, buildings containing more than one commercial business, or any combination of residential and commercial units within a single structure, the fees for the collection of all garbage and waste materials from, and on account of, each and every such residential and commercial unit shall be charged to and payable by the fee simple owner of such premises. (Ord. 246, 5-17-1976; amd. Ord. 437, 9-12-2005)

- H. Right To Change Rates: The village reserves the right to make reasonable changes in the fees and in conditions, rules and regulations herein established in this chapter from time to time as may be determined expeditious or necessary. (Ord. 359, 4-6-1992; amd. Ord. 437, 9-12-2005)

4-4-5: **WEEKLY COLLECTION BY VILLAGE:** The village shall give garbage collection service at least once each week to each customer unit who is not delinquent in the payment of his collection fees and who places the garbage and waste materials at the curb or alley or other designated point of collection. (Ord. 246, 5-17-1976)

4-4-6: **GARBAGE COLLECTORS; LICENSING AND REGULATIONS:**

A. License Required; Application; Fee:

1. It shall be unlawful for any person to engage in the business of collecting, hauling or transporting for hire for a fee, through the streets or public ways of the village, any garbage, ashes, rubbish or waste materials without first obtaining a license to engage in such business.

2. Any such person shall make application to the clerk by setting forth the name of such person, the residence thereof or the address and place of business, together with a description of the vehicle to be used in the collection of such garbage or waste, and deposit with said application the fee for such license.

3. Each such license so issued shall expire on April 30 following the date thereof. (Ord., 1974)

4. The license fee shall be six hundred dollars (\$600.00) per year, payable in advance to the clerk. (Ord. 373, 5-1-1995)

5. The clerk shall, before issuing such a license, require the applicant to submit a written approval of the issuance thereof from the health, safety and sanitation department, which approval shall state, in addition to the statement of approval of the applicant, that the vehicle to be used for such purpose is satisfactorily constructed with a garbagetight bed, and canvas and other suitable cover to prevent the littering of streets and public places; and provided, that no

license shall be issued except by direction of the president and board of trustees.

6. Said licensee shall file annually with the clerk, before issuance of a license, the fee to be charged for collecting, hauling and/or transporting of said waste materials. (Ord., 1974)

- B. **Disposal By Licensee; Accumulation Restricted:** All garbage and other waste materials embraced within this chapter will be called for and disposed of by the licensee hereunder, and shall not be collected or disposed of, for hire, in any other manner, except as provided herein; and no garbage or waste material shall be allowed to accumulate on any property or premises within the village for a period longer than the time between calls by said licensee. (1970 Code §7-4-11)
- C. **Rates Charged By Licensee:** The maximum rates to be charged by the licensee for the collection of garbage and waste materials shall be as determined from time to time by the village. (1970 Code §7-4-9; amd. 1995 Code)
- D. **Garbage Collection; Payment Of Fees:**
1. **Fees Paid Semiannually:** Fees for the collection of garbage and waste materials shall be paid semiannually to the licensee, or as agreed upon between the licensee and owner of said business house, tavern, restaurant or butcher shop.
 2. **Garbage Collection; Payment Of Fees:** Bills for garbage service shall be delivered to and be payable by the owner of the premises upon which the service is rendered.
 3. **Receipt Given:** The licensee shall give to each person paying fees a receipt therefor.
 4. **Services Cease If Delinquent:** If service charges are not paid promptly, all services shall cease and no more services shall be rendered to said delinquent until all charges are fully paid.
- E. **Weekly Service:** All accounts shall be given service at least once each week by the licensee. (Ord., 1974)
- F. **Revocation Of License:** Said license may be revoked by the village if said licensee fails to perform his duties under his contract with the village, or violates any of the provisions of this chapter or any other

provisions of this code or the laws of the state of Illinois. (1970 Code §7-4-7)

4-4-7: **ACCUMULATION PROHIBITED:** The owner, occupant or lessee of any premises in the village shall remove from said premises or otherwise dispose of all garbage, dead rodents, animals or fowl, ashes, tin cans, metalware, broken glass, crockery, stoneware, manure and all refuse and rubbish of every description whatsoever and shall keep said rodents, animals or fowl, ashes, tin cans, metalware, broken glass, crockery, stoneware, manure and all refuse and rubbish of every description whatsoever. Dumping of rubbish on vacant property or on streets, alleys or other public places is prohibited. (1970 Code §7-4-2)

4-4-8: **ILLEGAL DEPOSITS:** It shall be unlawful for any person to cast, place, sweep or deposit within the limits of the village any garbage or other waste matter or rubbish in such a manner that it may be carried or deposited by the action of the sun, wind, rain or snow, into or upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied or unoccupied premises within the limits of the village. (1970 Code §7-4-4)

4-4-9: **OFFENSIVE SUBSTANCES:** No pile or deposit of manure, garbage, miscellaneous waste or refuse of any kind whatsoever, nor accumulation of any offensive or nauseous substance shall be made within the limits of the village, nor shall any person unload, discharge or put upon the right of way of any railroad, street, alley or public place within the village, any manure, garbage, miscellaneous waste, refuse or offensive or nauseous substance, nor shall any vehicles loaded with or having upon them any such substances, be allowed to remain or stand or park on or along any railroad, street, alley or other public place within the limits of the village. (1970 Code §7-4-5)

4-4-10: **DUMPING RESTRICTED:** No garbage or waste material shall be dumped within the village limits, but must be hauled to a place outside the village limits, at a distance which will not create a nuisance to any resident within the village limits. (1970 Code §7-4-9)

CHAPTER 5

PRIVIES AND CESSPOOLS

SECTION:

- 4-5- 1: Construction; Compliance with Regulations
- 4-5- 2: Maintenance Near Other Buildings
- 4-5- 3: Privy Placement Restricted
- 4-5- 4: Watertight Cesspools Required
- 4-5- 5: Offensive Contents; Abatement
- 4-5- 6: Removal of Contents; Permit Required
- 4-5- 7: Depositing Garbage in Privies
- 4-5- 8: Covering Wells and Cisterns
- 4-5- 9: Cistern Overflow Pipes
- 4-5-10: Connection to Storm Drains Prohibited

4-5-1: CONSTRUCTION; COMPLIANCE WITH REGULATIONS: No vault, privy, catch basin or cesspool shall hereafter be constructed or rebuilt in the Village except in accordance with the provisions of this Chapter and the regulations of the Health, Safety and Sanitation Department. (1970 Code §8-7-1; 1995 Code)

4-5-2: MAINTENANCE NEAR OTHER BUILDINGS: It shall be unlawful and it is hereby declared a nuisance for any person to erect or maintain any privy within forty feet (40') of any street, dwelling, shop, school, factory, church or public hall, or within one hundred feet (100') of any well, unless the same is furnished with a substantial vault, six feet (6') deep, and made tight so that the contents cannot escape therefrom, and is sufficiently secured and enclosed. (1970 Code §8-7-2)

4-5-3: PRIVY PLACEMENT RESTRICTED: It shall be unlawful to have the general privy accommodations of any place of human habitation within any such place of habitation, or under any sidewalk adjacent thereto. (1970 Code §8-7-3)

4-5-4: **WATERTIGHT CESSPOOLS REQUIRED:** All cesspools shall be watertight. (1970 Code §8-7-4)

4-5-5: **OFFENSIVE CONTENTS; ABATEMENT:**

- A. **Offensive Contents a Nuisance:** The contents of any tub, or of any receptacle, cesspool, privy, catch basin, vault, sink, water closet, cistern or any thing in any room, excavation, vat, building, premises or place shall not be allowed to become a nuisance or offensive, so as to be dangerous or prejudicial to health. (1970 Code §8-7-5)
- B. **Contents Overflowing:** No person shall draw off or allow to run off onto any ground, street or place of the Village the contents, or any part thereof, of any vault, cistern, cesspool or catch basin; nor shall any owner, tenant or occupant of any building to which any vault, catch basin, privy or cesspool shall appertain or be attached permit the contents, or any part thereof, to flow therefrom or to rise within two feet (2') of any part of the top, or such contents to become offensive; nor shall any privy or any other structure mentioned in this Section be filled with or covered with dirt, until its filthy contents shall be emptied. (1970 Code §8-7-7)
- C. **Abatement of Nuisance:** All privies or catch basins, any part of the contents of which are above the surface, or within two feet (2') of the surface of the earth, and all other privies or catch basins that are foul, omitting smells and odors that are prejudicial to the public health, are hereby declared nuisances, and the Village Health and Sanitation Officer shall have the power to abate the same, as provided in Section 4-3-11 of this Title. (1970 Code §8-7-6)

4-5-6: **REMOVAL OF CONTENTS; PERMIT REQUIRED:**

- A. **Permit Required:** The owner, tenant or occupant of any building or premises within the Village shall not cause or permit any part of the contents of any privy, vault, catch basin or cesspool over which he has control to be removed, except according to a permit issued by the Health and Sanitation Officer and subject to any rules of the Health, Safety and Sanitation Department for removing the same. (1970 Code §8-7-8; 1995 Code)
- B. **Disinfection after Removal:** All privies, catch basins, vaults and cesspools, when cleaned, shall be disinfected with approved

chemicals and the work of such disinfection shall be done by the person removing such contents. (1970 Code §8-7-9; 1995 Code)

4-5-7: **DEPOSITING GARBAGE IN PRIVIES:** No person shall throw into or deposit in any vault, sink, privy, catch basin or cesspool any offal, ashes, meat, fish, garbage or other substance, nor shall any slops or kitchen wastes be allowed to run into any privy. (1970 Code §8-7-10)

4-5-8: **COVERING WELLS AND CISTERNS:** The owner or occupant of any dwelling, building or other structure within the Village is hereby required to place and maintain suitable coverings over all wells or cisterns outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or structure that is accessible to children. (1970 Code §8-7-11)

4-5-9: **CISTERN OVERFLOW PIPES:** No cistern used for the collection and storage of rainwater from roofs shall have its overflow pipes directly connected with any sewer. Wherever an overflow pipe is provided for such cistern, such pipe shall lead to an area or gutter and shall have its outlet protected with a suitable metal screen. (1970 Code §8-7-12)

4-5-10: **CONNECTION TO STORM DRAINS PROHIBITED:** It shall be unlawful for any person to connect or cause to be connected any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any separate storm water drain in the Village. (1970 Code §8-8-1)

CHAPTER 6

WELLS

SECTION:

4-6-1: Prohibition

4-6-1: **PROHIBITION:** After March 11, 2002, no private wells shall be drilled and/or installed by any resident or business upon any land located in the village of South Pekin boundaries for any purpose. (Ord. 415, 3-11-2002)

POLICE REGULATIONS

TITLE 5
POLICE REGULATIONS

Subject	Chapter
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Civil Emergencies	3
Animal Control	4
Licensing Provisions	4A
Rabies Control	4B
Impoundment Procedures	4C
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CHAPTER 1

POLICE DEPARTMENT

SECTION:

- 5-1- 1: Department Created
- 5-1- 2: Appointments; Bonds
- 5-1- 3: Rank
- 5-1- 4: Chief of Police
- 5-1- 5: Duties of Police Officers
- 5-1- 6: Power of Arrest, President and Village Board
- 5-1- 7: Call for Assistance
- 5-1- 8: Conduct of Members
- 5-1- 9: Witness Fees
- 5-1-10: Rules and Regulations
- 5-1-11: Special Police
- 5-1-12: Rewards

5-1-1: **DEPARTMENT CREATED:** There is hereby created a Police Department for the Village which shall consist of the Chief of Police, who shall be Ex Officio Superintendent of Police, and such other members as may be provided for by the Board of Trustees. (1970 Code §6-1-1)

5-1-2: **APPOINTMENTS; BONDS:**

- A. The Chief of Police shall be appointed by the Board of Trustees. All other appointments to or promotions within the Department shall be made by the Chief of Police. (1970 Code §6-1-2)
- B. A bond shall be required for the Chief of Police and each police officer in the amount of one thousand dollars (\$1,000.00) each¹. (1995 Code)

1. See also Section 1-10-5 of this Code.

5-1-3: **RANK:** The Chief of Police shall be the head of the Department and have supervision over all officers and members thereof. Following him in rank shall be the captain, the lieutenants and police officers in order of seniority in each group. (1970 Code §6-1-3)

5-1-4: **CHIEF OF POLICE:**

A. Duties:

1. The Chief of Police shall be the commanding officer of the police force and shall have control of the assignment of all members of the force and the direction and supervision of police work in the Village, including any special police officers under this command.

2. He shall be responsible for the control and regulation of all equipment assigned to or under the control of the Police Department.

3. The Chief shall attend, as far as practicable, all meetings of the Village Board, and he shall prepare the room in which the Board meetings are held, and see that it is properly lighted, warmed, cleaned and made comfortable.

4. He shall serve all notifications, in writing, when ordered by the Village Board. (1970 Code §6-1-4)

5. He or his designee shall have the custody of all lost, abandoned or stolen property recovered in the Village. (1970 Code §6-1-13; 1995 Code)

6. He shall perform all such other duties as shall be prescribed by ordinance or by order of the Board. (1970 Code §6-1-4)

B. Tenure: The Chief of Police shall be appointed at the beginning of the Village fiscal year (May 1 to April 30) until time of termination or resignation and may be removed in the manner provided for the removal of officers¹. (1970 Code §6-1-15; 1995 Code)

1. See Section 1-10-9 of this Code.

5-1-5: DUTIES OF POLICE OFFICERS: It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the Village and all statutes applicable therein, and to preserve order and prevent infractions of the law and arrest violators thereof. (1970 Code §6-1-5)

5-1-6: POWER OF ARREST, PRESIDENT AND VILLAGE BOARD:
As provided in 65 Illinois Compiled Statutes 5/3.1-15-25, the President and Board of Trustees shall have the 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 magistrate; and
- D. To exercise all other powers as conservators of the peace that the Village authorities may prescribe. (1970 Code §6-1-6)

5-1-7: CALL FOR ASSISTANCE: The President of the Village Board or any police officer of the Village 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 an unlawful act, or charged therewith, or to aid such officer in preventing the commission of an unlawful act. No one shall refuse or neglect to give such aid or assistance when so directed. (1970 Code §6-1-7)

5-1-8: CONDUCT OF MEMBERS: It shall be the duty of every member of the Police Department to conduct himself in a proper and law abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior. (1970 Code §6-1-9)

5-1-9: **WITNESS FEES:** Every member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any State or Federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party. Any fees paid for such services shall be turned over to the Chief, who shall deposit the same with the Village Treasurer. (1970 Code §6-1-10)

5-1-10: **RULES AND REGULATIONS:** The Chief of the Police Department may make or prescribe such rules and regulations as he shall deem advisable. Such rules, when approved by the Board of Trustees, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the Department. (1970 Code §6-1-11)

5-1-11: **SPECIAL POLICE:** Any person of good character having duties which require it may be appointed a special policeman by the President; provided that, except upon authorization of the Board of Trustees, no such special police officer shall be entitled to any compensation from the Village, nor shall such special police officer be considered an employee of the Village by reason of such appointment. Special police officers shall obey all rules of the Police Department applicable to them, and may be deprived of their appointment by the Chief at any time. (1970 Code §6-1-12)

5-1-12: **REWARDS:** It shall be cause for removal for any member of the force to receive a reward or present for services rendered in the due discharge of his duty without the permission of the Chief of Police. (1970 Code §6-1-14)

CHAPTER 2

MISDEMEANOR CODE

SECTION:

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- 5-2-10: Civil Remedies Preserved
- 5-2-11: Penalty

5-2-1: **SHORT TITLE:** This chapter shall be known and may be cited as the *MISDEMEANOR CODE OF SOUTH PEKIN, ILLINOIS (1970)*. (1970 Code §6-2-1-1)

5-2-2: **VILLAGE JURISDICTION:**

- A. A person is subject to prosecution in this village for an offense which he commits, while either within or outside the village, by his own conduct or that of another for which he is legally accountable, if:
1. The offense is committed either wholly or partly within the village; or
 2. The conduct outside the village constitutes an attempt to commit an offense within the village; or
 3. The conduct outside the village constitutes a conspiracy to commit an offense within the village and an act in furtherance of the conspiracy occurs in the village; or
 4. The conduct within the village constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under the laws of both this village and such other jurisdiction.
- B. An offense is committed partly within this village if either the conduct which is an element of the offense, or the result which is such an element, occurs within the village.

- C. An offense which is based on an omission to perform a duty imposed by the laws of this Village is committed within the Village regardless of the location of the offender at the time of the omission. (1970 Code §6-2-1-2)

5-2-3: DEFINITIONS:

- ACT:** Includes a failure or omission to take action.
- AIR RIFLE:** Means and includes any air gun, air pistol, spring gun, spring pistol, BB gun or pellet gun which impels a pellet constructed of hard plastic, steel, lead, stone or other hard materials with force that reasonably is expected to cause bodily harm or property damage.
- ANOTHER:** A person or persons as defined in this Chapter other than the offender.
- PERSON:** Any individual, public or private corporation, government, partnership or unincorporated association. The masculine gender shall include the feminine, and the singular shall include the plural.
- POLICE OFFICER:** Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.
- PUBLIC EMPLOYEE:** A person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the Village or any of its subdivisions or agencies.
- PUBLIC OFFICER:** A person who is elected to office pursuant to a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute or ordinance to discharge a public duty for the Village or any of its subdivisions or agencies.

REASONABLE BELIEF or **REASONABLY BELIEVES:** Means that the person concerned, acting as a reasonable man, believes that the described facts exist. (1970 Code §6-2-1-5)

5-2-4: ILLINOIS CRIMINAL CODE ADOPTED BY REFERENCE:
 Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois Criminal Code (720 ILCS 5/1-1 et seq.), as amended, are hereby adopted by the Village. Any and all violations thereof shall be considered violations of this Chapter, and each such violation shall subject the violator thereof to penalty provisions under this Chapter if proceeded hereunder. (1995 Code)

5-2-5: OFFENSES INVOLVING PUBLIC ORDER:

5-2-5-1: DISORDERLY CONDUCT; BREACH OF PEACE: It shall be unlawful for any person to engage in any violent, tumultuous, offensive or disorderly conduct; by threatening, traducing, quarreling, challenging to fight or fighting; or by using obscene, offensive, profane or unseemly language to the annoyance, disturbance or vexation of another; or to be guilty of any conduct calculated to breach the peace. (1970 Code §6-2-3-1)

5-2-5-2: PUBLIC INTOXICATION; BREACH OF PEACE; INCAPACITATED: It shall be unlawful for any person in any public place to be in such a state of intoxication that:

- A. He is unreasonably loud, obscene or disorderly so as to breach the peace; or
- B. He is incoherent, incapacitated or asleep so as not to be able to control, direct or protect himself. It shall be the duty of police officers to arrest any such person when they reasonably believe such condition exists. (1970 Code §6-2-3-2)

5-2-5-3: **VAGRANCY:** It shall be unlawful for any person to be guilty of vagrancy as herein defined. The following persons shall be deemed vagrant:

- A. **Burglar's Tools:** Any person upon whose possession shall be found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony or misdemeanor or in the violation of any ordinance, and who shall fail to account satisfactorily for the possession of the same.
- B. **Unlawful Occupancy:** Any person wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account for himself.
- C. **Begging:** Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself.
- D. **Loitering:** Any person found loitering or strolling, in, about or upon any street, alley or other public way or public place, or at any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, lascivious manner in speech or behavior. (1970 Code §6-2-3-3)

5-2-5-4: **DISTURBING LAWFUL ASSEMBLIES:** It shall be unlawful for any person to wilfully 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. (1970 Code §6-2-3-4)

5-2-5-5: **DISTURBING ELECTIONS; PROCESS:** It shall be unlawful for any person to create any disturbance at an election poll or to interfere with the election process. (1970 Code §6-2-3-5)

5-2-5-6: ASSAULT, BATTERY AND AFFRAY: Prohibited Act: It shall be unlawful for any person to knowingly start a fight, or to fight, or to commit any assault or assault and battery anywhere within the Village. (1970 Code §6-2-3-6)

- A. Assault Defined: A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery. (1970 Code §6-2-3-7)
- B. Battery Defined: A person commits battery if he intentionally or knowingly, without legal justification and by any means:
 - 1. Causes bodily harm to an individual, or
 - 2. Makes physical contact of an insulting or provoking nature with an individual. (1970 Code §6-2-3-8)

5-2-5-7: RECKLESS CONDUCT: A person who causes bodily harm to, or endangers the bodily safety of, an individual by any means commits reckless conduct if he performs recklessly the acts which cause the harm or endanger the safety of an individual, whether they are lawful or are unlawful. (1970 Code §6-2-3-9)

5-2-5-8: UNLAWFUL ASSEMBLIES:

- A. It shall be unlawful for any two (2) or more persons to assemble together for any unlawful purpose or, being assembled, to act in concert to do an unlawful act against the property of the Village or the person or property of another or against the public peace, or to make any movement or preparation therefor.
- B. It shall be unlawful for any person to knowingly suffer or permit any assemblage for the purpose of committing any unlawful act or breach of the peace or any riotous, offensive or disorderly conduct in or upon premises owned or occupied by him, or under his control, within the Village. (1970 Code §6-2-3-10)

5-2-5-9: MOB ACTION: It shall be unlawful for any person to participate in mob action, as defined as follows:

- A. The use of force, violence or other disruptive conduct by two (2) or more persons acting together, without lawful authority, so as to constitute a breach of the peace; or
- B. The assembly of two (2) or more persons to do an unlawful act; or
- C. The assembly of two (2) or more persons without authority of law to do violence to the person or property of another. (1970 Code §6-2-3-11)

5-2-5-10: **OBSTRUCTING STAIRWAYS OR EXITS:** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisles, corridor or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall or any building used by two (2) or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit. (1970 Code §6-2-3-12)

5-2-5-11: **RESISTING ARREST:** It shall be unlawful for any person to knowingly or wilfully resist an arrest which he knows is being made by a police officer, or by a private person summoned and directed by a police officer to make an arrest, even if he believes that the arrest is unlawful, and the arrest is in fact unlawful. (1970 Code §6-2-3-13)

5-2-5-12: **POLICE AND FIRE OFFICERS; INTERFERING AND OBEYING:** It shall be unlawful for any person:

- A. To knowingly prevent, obstruct, harass or endanger, by any means, any police officer, fire officer or other official or employee or any military personnel on emergency duty within the Village, in the lawful performance of his duties.
- B. To knowingly or wilfully refuse or neglect to obey, without reasonable justification therefor, any lawful order or direction of any police officer, fire officer or other official or employee or any military personnel on emergency duty within the Village. (1970 Code §6-2-3-14)

5-2-5-13: WEAPONS RESTRICTIONS:**A. Unlawful Use of Weapons:****1. It shall be unlawful for any person to:**

a. Possess or carry any bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

b. Carry or possess with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or

c. Carry on or about his person or in any vehicle a tear gas gun projector or bomb, or any object containing noxious liquid gas or substance; or

d. Carry concealed in any vehicle or concealed on or about his person, except when on his land or in his own abode or fixed place of business, any pistol, revolver or other firearm; or

e. Set a spring gun; or

f. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

g. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; or

h. Carry or possess any firearm or other deadly weapon in any place which is licensed to sell alcoholic liquor, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding any place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted within the limits of the Village.

2. The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection A1g above, is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

a. If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

b. If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

3. Subsections A1c and A1d above shall not be construed to apply to any duly authorized and appointed police officer or agent of this Village, or of the State of Illinois, or of the United States, or to any member of the Armed Forces or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their duties. (1970 Code §6-2-3-15)

- B. Firing or Discharging Weapons: It shall be unlawful for any person to fire or discharge any firearm, air gun, slingshot, bow, crossbow or other device designed to fire, project or throw any stone, bullet or other hard substance within the Village; provided, however, that this Section shall not apply to any police officer discharging a firearm in the performance of his duty, nor any citizen from discharging any firearm when lawfully defending his person or property. (1970 Code §6-2-3-16)
- C. Carrying Loaded Weapons: It shall be unlawful for any person, except persons permitted by law, to have or carry any shotgun or rifle or air gun in or on any vehicle, unless such shotgun or rifle or air gun is dismantled to render it incapable of being fired or is unloaded when enclosed in a case; the mere removal of the bolt from a bolt-action rifle shall not be construed as dismantled so as to render it incapable of firing. (1970 Code §6-2-3-17)
- D. Unlawful Display of Weapon: It shall be unlawful for any person in possession of any weapon or device set forth in this Chapter to display or flourish any such weapon in a threatening or boisterous manner such as might alarm a reasonable man. (1970 Code §6-2-3-18)

E. Confiscation and Disposition of Weapons:

1. Upon conviction of a violation of subsections A through D of this Section, any weapons seized shall be confiscated by the trial court.

2. Any stolen weapon so confiscated when no longer needed for evidentiary purposes shall be returned to the person entitled to possession if known. All other confiscated weapons when no longer needed for evidentiary purposes shall in the discretion of the trial court be destroyed or preserved as the property of the Village. (1970 Code §6-2-3-19)

5-2-6: OFFENSES INVOLVING HEALTH, SAFETY AND CHILDREN:

5-2-6-1: LOUD, DISTURBING AND UNNECESSARY NOISES:

A. Unnecessary Noises Prohibited: The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the Village is prohibited.

B. Enumeration of Prohibited Acts: The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive, namely:

1. Blowing Horns: The sounding of any horn or signal device on any automobile, motorcycle or bus so as to create an unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time. (1970 Code §6-2-4-4)

2. Radios, Phonographs; Hours Restricted: No person shall allow or cause to be used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, loudspeaker, machine or device between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the

building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this Section. (Ord. 278, 7-7-80)

3. **Yelling or Shouting:** Yelling, shouting, hooting, whistling or singing, particularly on the public streets between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., or at any other time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of any person in the vicinity.

4. **Pets:** The keeping of any animal, bird or fowl which, by causing frequent or long continued noises, shall disturb the comfort or repose of any person in the vicinity.

5. **Blowing Whistles:** The blowing of any steam whistle attached to any stationary boiler, other than to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.

6. **Exhaust Discharge:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

7. **Building Operations:** The erection (including excavation), demolition, alteration or repair of any building, or the excavation of streets or public places, in any residential area, other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a written permit from the Building Inspector.

8. **Noises Near Schools, Hospitals or Churches:** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital which unreasonably interferes with the workings or sessions thereof.

9. **Noises to Attract Attention:** The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

10. Loudspeaker or Amplifiers: The unreasonable use of any amplifiers or loudspeakers in the course of any public address. (1970 Code §6-2-4-4)

5-2-6-2: STENCH BOMBS; NAUSEOUS GASES AND SUBSTANCES:

- A. Prohibited: It shall be unlawful for any person to throw, drop, pour, deposit or discharge upon the person or the property of another any liquid, gaseous or solid substance which is injurious to person or property or which is nauseous, sickening, irritating or offensive to any of the senses, with the intent to unlawfully injure, discomfort or discommode another in the use, management, conduct or control of his personal property. No person shall attempt, or aid in the attempt or commission of, any act prohibited herein.
- B. Accepted Uses: The prohibitions of subsection A above shall not apply to police officers acting in line of duty or to proprietors of business premises or to their employees using such substances for the protection of such business premises when the substances referred to herein are kept solely for the purposes of repelling robbers, thieves, burglars or other such persons violating the law. (1970 Code §6-2-4-5)

5-2-6-3: THROWING MISSILES OR BOTTLES: It shall be unlawful for any person purposely or recklessly to cast, throw, drop or break any stone, rock, brick, glass bottle or other missile or substance from any overpass or onto any street, alley or other public way or in, at or against any person, residence, building, car or other property. (1970 Code §6-2-4-7)

5-2-6-4: ARTICLES IN WINDOWS: It shall be unlawful to place any movable article on window ledges abutting a public street, alley or sidewalk, in such a manner that the same can be or is in danger of falling onto such street, alley or sidewalk. (1970 Code §6-2-4-8)

5-2-6-5: SNIFFING OR INHALING OF INTOXICANTS PROHIBITED:

- A. It shall be unlawful for any person to sniff, inhale or breathe the vapors of any glue, kerosene, gasoline, cleaning fluid or other

substance not manufactured or produced for such human consumption for the purpose of becoming intoxicated.

- B. It shall be unlawful for any person to command, encourage, request, aid or abet any other person to violate the provisions of subsection A of this section. (1970 Code §6-2-4-17)

5-2-6-6: POSSESSION OF CANNABIS:

- A. **Definition:** As used in this section, "cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.
- B. **Violation And Penalties:** It is unlawful for any person to knowingly possess cannabis. Any person who violates this section with respect to: (Ord. 285, 10-6-1980)
1. Possessing less than two and five-tenths grams (2.5 g) of any substance containing cannabis shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
 2. Possessing more than two and five-tenths grams (2.5 g) but not more than ten grams (10 g) of any substance containing cannabis shall be fined not less than three hundred fifty dollars (\$350.00) and not more than five hundred dollars (\$500.00).
 3. Possessing more than ten grams (10 g) but not more than thirty grams (30 g) of any substance containing cannabis shall be fined not less than four hundred dollars (\$400.00) and not more than five hundred dollars (\$500.00). (Ord. 285, 10-6-1980; amd. Ord. 422, 3-10-2003)

4. Possessing more than thirty grams (30 g) of any substance containing cannabis shall be fined five hundred dollars (\$500.00). (Ord. 285, 10-6-1980)

5-2-7: OFFENSES INVOLVING PROPERTY:

5-2-7-1: CRIMINAL HOUSING MANAGEMENT: A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner, or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered. (1970 Code §6-2-5-1)

5-2-7-2: TRESPASS TO LAND AND BUILDINGS:

A. **Trespasses Prohibited:** It shall be unlawful for any person to commit a trespass within this municipality upon either public or private property.

B. **Specifically Enumerated Trespasses; Suppression:** Without constituting any limitation upon the provisions of subsection A of this section, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of said subsection A of this section, 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 section, the aforesaid enumerated acts so included, being as follows:

1. To enter upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said 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

2. To pursue 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 said 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

3. To fail or refuse 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

4. To enter into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right. (1970 Code §6-2-5-2)

5-2-7-3: MALICIOUS MISCHIEF OR DESTRUCTION:

A. It shall be unlawful for any person to wilfully and maliciously tear up, injure, deface or destroy any property, real or personal, belonging to the Village; or any property, used in any business impressed with a public interest and usually designated as a public service corporation i.e., waterworks, gas, electric light, telephone, street, railroad or steam heating companies.

B. It shall be unlawful for any person to wilfully and maliciously interfere or meddle in any way with the operation of any such business, as above enumerated. (1970 Code §6-2-5-3)

5-2-7-4: COIN-OPERATED DEVICES; SLUGS, TAMPERING:

A. It shall be unlawful for any person to insert, or attempt to insert, in any parking meter, vending machine or other coin-operated device, any slug, counterfeit coin or other foreign or metallic substance not a coin of United States currency.

B. It shall be unlawful for any person to wilfully and maliciously injure, deface, destroy or otherwise tamper with any parking meter, vending machine or other coin-operated device. (1970 Code §6-2-5-4)

5-2-8: OFFENSES INVOLVING MORALITY:

5-2-8-1: PROSTITUTION AND RELATED OFFENSES:

- A. **Prostitution Defined:** Any person who performs or offers or agrees to perform any of the following acts for money commits an act of prostitution:
1. Any act of sexual intercourse; or
 2. Any act of deviate sexual conduct, meaning any act of sexual gratification involving the sex organs of one person and the mouth or anus of another. (1970 Code §6-2-6-1)
- B. **Keeping a Place of Prostitution:** Any person who keeps, maintains or exercises control over the use of any premises which could offer seclusion or shelter for the practice of prostitution, and who performs any of the following acts, shall be deemed to keep a place of prostitution:
1. Knowingly grants or permits the use of such premises for the purpose of prostitution; or
 2. Grants or permits the use of such premises under circumstances from which he should reasonably be aware that such premises are used or about to be used for purposes of prostitution; or
 3. Permits the continued use of premises after becoming aware of facts or circumstances from which he should reasonably know that such premises are being used for purposes of prostitution. (1970 Code §6-2-6-2)
- C. **Patronizing a Prostitute:** Any person who performs any of the following acts with a person not his spouse commits the offense of patronizing a prostitute:
1. Engages in an act of sexual intercourse or deviate sexual conduct with a prostitute; or
 2. Enters or remains in a place of prostitution in the company of a prostitute with the intent to engage in an act of sexual intercourse or deviate sexual conduct. (1970 Code §6-2-6-3)
- D. **Soliciting for a Prostitute:** Any person who performs any of the following acts commits soliciting for a prostitute:
1. Solicit another person for the purpose of prostitution; or

2. Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or
 3. Directs another person to a place knowing such direction is for the purpose of prostitution. (1970 Code §6-2-6-4)
- E. Pandering: Any person who performs any of the following acts for money commits pandering:
1. Compels a female to become a prostitute; or
 2. Arranges or offers to arrange a situation in which a female may commit prostitution. (1970 Code §6-2-6-5)
- F. Pimping: Any person who receives money or other property from a prostitute, not for a lawful consideration, knowing it was earned in whole or in part from an act of prostitution commits pimping. (1970 Code §6-2-6-6)

5-2-8-2: INDECENT, OBSCENE ACTS, MATERIALS:

- A. Public Indecency; Acts or Language:
1. It shall be unlawful for any person to commit any indecent, lewd or lascivious act in any public place in the Village, or to utter any lewd or offensive words or to use any threatening or abusive language publicly and within the hearing of another person.
 2. It shall be unlawful for any person to appear in a public place in a state of nudity, or to make any indecent exposure of his person or to be guilty of any other lewd or indecent act or behavior.
 3. Public place for purposes of this Section means any place where such conduct may reasonably be expected to be viewed by others. (1970 Code §6-2-6-7)
- B. Obscenity Defined; Prohibited:
1. It shall be unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image instrument, statue, drawing or other article which is obscene.

2. Obscene for the purpose of this Section is defined as follows: whether to a reasonable person applying contemporary community standards the dominant theme of the material taken as a whole appeals to prurient interests, and is without redeeming social value. (1970 Code §6-2-6-8)

C. **Obscene Marking in Public View Prohibited:** It shall be unlawful for any person to write, mark, draw, cut or make any profane or indecent word, sentence, design or figure in any place open to public view. (1970 Code §6-2-6-9)

D. **Obscenity; Affirmative Defense:** It shall be an affirmative defense to a charge under the preceding subsections B and C of this Section that the dissemination:

1. Was not for sale or gain, and was made only to personal associates other than children under eighteen (18) years of age; or

2. Was to institutions or individuals having scientific or other special education purpose for possession of such material. (1970 Code §6-2-6-10)

5-2-8-3: **WINDOW PEEPING PROHIBITED:** It shall be unlawful for any person to look, peer, peep into or be found loitering about and within view of any window within a building occupied as a residence of another, with the intent of watching or observing the activities of persons therein. (1970 Code §6-2-6-11)

5-2-8-4: **GAMBLING:**

A. **Gambling Prohibited:** It shall be unlawful for any person to gamble within the Village, provided nothing contained herein shall be deemed to prohibit an activity lawful under the laws of the State.

B. **Premises as Gambling Place Prohibited:** It shall be unlawful for any person to knowingly permit any premises owned, occupied or controlled by him to be used as a gambling place within the Village.

C. **Definitions:** For the purposes of this Section:

GAMBLING: Gambling occurs when any person:

1. Plays a game of chance or skill for money or other things of value; or
2. Makes a wager upon the result of any game, contest or any political nomination, appointment or election; or
3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of any gambling device; or
4. Knowingly owns or possesses any books, instruments or apparatus by means of which bets or wagers have been or are recorded or registered; or
5. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or
6. Sets up or promotes any lottery or sells, offers to sell or offers or transfers any ticket or share for any lottery; or
7. Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket or other similar device; or
8. Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share or any policy ticket or similar device or any advertisement of any lottery or policy game; or
9. Knowingly transmits information as to wagers, betting odds or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs equipment for the transmission or receipt of such information; except that nothing in this subsection 9 shall prohibit transmission or receipt of such information for the use of news reporting of sporting events or contests.

**GAMBLING
DEVICE:**

Any clock, tape machine, slot machine or other machines or devices for the reception of money or other things of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. However, a gambling device does not include:

1. A coin-operated mechanical device played for amusement which awards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operations thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property, and which is commonly known as a pinball machine; or

2. Vending machine by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

**GAMBLING
PLACE:**

Any real estate, vehicle, boat or any other property whatsoever used for the purpose of gambling.

LOTTERY:

Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift or sale or some other name.

POLICY GAME:

Any scheme or procedure whereby a person promises or guarantees by an instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

- D. **Food and Liquor Licenses:** Whenever any premises are determined by a court of competent jurisdiction to be a gambling place, all Village licenses or permits issued authorizing the serving of food or alcoholic liquor on such premises shall become void; and no license or permit so voided shall be reissued for such premises for a period of sixty (60) days thereafter; nor shall any person convicted of keeping a gambling place be reissued any such license or permit for one year from the date of his conviction and after a second conviction of keeping a gambling place, any such person shall not be reissued any such license or permit.
- E. **Seizure of Gambling Devices and Gambling Funds:** Every gambling device which is incapable of lawful use constitutes contraband and shall be subject to seizure and confiscation by Village police officers. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the Village. Disposition of such gambling devices seized or confiscated shall be made according to law. (1970 Code §6-2-6-12)

5-2-9: MISCELLANEOUS PROVISIONS:

5-2-9-1: VIOLATION OF CIVIL RIGHTS:

- A. **Elements:** A person commits a violation of civil rights when:
1. He prevents, interferes with or denies to another, or conspires to do the same, the full and equal access to and enjoyment of the facilities and services of any office, place, business, accommodation, amusement or conveyance because of race, religion, color or national ancestry; or
 2. As an official, he refuses to employ, discriminates in employment, or participates in a scheme which discriminates in employment for any work, job, office or project because of race, religion, color or national ancestry; or
 3. As an official, he denies or refuses to any person the full and equal access, use or enjoyment of the services, facilities, accommodations, advantages or privileges of his office, or of any property accommodations or facilities under his care, because of race, religion, color or national ancestry. (1970 Code §6-2-7-1)
- B. **Sanctions:**

1. Enjoining as a Public Nuisance: Any violation of civil rights occurring in any public office, accommodation or amusement is declared to be a public nuisance and may be abated in any manner provided by this Code for the abatement of public nuisances.

2. Discharge of Public Officials: Whenever any public official shall be found guilty of a violation of civil rights, the person aggrieved, or the Village Attorney on his behalf, may file a petition in the Circuit Court to discharge such official from office. The Court shall order that such official be immediately relieved of his office or duties and shall order such official to resign or be removed or discharged. Any person violating or refusing to enforce any such Court order or decree shall be deemed in contempt of Court.

3. The penalties and remedies herein provided by this Section shall not be deemed mutually exclusive. (1970 Code §6-2-7-2)

5-2-9-2: **NECESSITY AS AFFIRMATIVE DEFENSE:** Conduct which would otherwise be an offense under this Chapter is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation, and he reasonably believed such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from his own conduct. (1970 Code §6-2-7-3)

5-2-9-3: **BRIBERY; OFFERING OR ACCEPTING:** It shall be unlawful for any person:

- A. To offer, promise or give to any official, police officer or employee of the Village any money, reward, service, privilege or thing of value which he may not otherwise lawfully accept, with intent to influence the performance or nonperformance of any official act, function, duty or employment.
- B. To agree to accept, receive or retain any money, reward, service, privilege or thing of value which he may not otherwise lawfully accept, knowing or with reason to know that such benefit was offered, promised or given with intent to influence him in the performance or nonperformance of any official act, function, duty or employment. (1970 Code §6-2-7-4)

5-2-9-4: **SOLICITATION AND CONSPIRACY:**

- A. Solicitation To Commit Offense: A person commits solicitation when, with intent that an offense be committed, he commands, encourages or requests another person to commit that offense.
- B. Conspiracy To Commit Offense: A person commits conspiracy when, with intent that an offense be committed, he agrees with another person to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of such agreement is alleged and proved to have been committed by him or by a coconspirator. (1970 Code §6-2-7-6)
- C. Solicitation And Conspiracy; Affirmative Defense: It shall be a defense to a charge of solicitation or conspiracy that if the criminal objects were achieved the accused would not be guilty of the offense. (1970 Code §6-2-7-7)

5-2-9-5: **TELEPHONES; OBSCENE, ANONYMOUS, MISREPRESENTED CALLS:** It shall be unlawful for any person to make, or permit another to make, any obscene, anonymous or falsely represented telephone calls to another person for the purpose or reason of nuisance or harassment. (1970 Code §6-2-7-10)

5-2-9-6: **FALSE ALARMS; POLICE, FIRE, AMBULANCE:** It shall be unlawful to intentionally make, turn in or give any false alarm of fire or of need of police or ambulance assistance, or to aid or abet in the commission of such act. (1970 Code §6-2-7-11)

5-2-9-7: **CLIMBING UTILITY POLES:** It shall be unlawful for any person to climb upon any telegraph, telephone, electric light or sign pole unless in the performance of his duties. (1970 Code §6-2-7-12)

5-2-9-8: **INTIMIDATION DEFINED; PROHIBITED:** A person commits intimidation when, with intent to cause another person to perform or to omit the performance of any act, he communicates to another without otherwise lawful authority a threat to perform any of the following acts:

- A. Inflict physical harm on the person threatened or any other person or property; or
- B. Subject any person to physical confinement or restraint; or
- C. Commit any criminal offense; or
- D. Accuse any person of an offense; or
- E. Expose any person to hatred, contempt or ridicule; or
- F. Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or
- G. Bring about or continue any strike, boycott or other collective or mob action. (1970 Code §6-2-7-13)

5-2-9-9: **SKATEBOARDING PROHIBITED:** The use of a skateboard upon any village property is hereby deemed unlawful. (Ord. 461, 8-9-2010)

5-2-10: **CIVIL REMEDIES PRESERVED:** This chapter does not bar, suspend or otherwise affect any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action for any conduct which this chapter makes punishable; and the civil injury is not merged in the offense. (1970 Code §6-2-1-3)

5-2-11: **PENALTY:** Unless otherwise specifically provided in this chapter, violations of any provision thereof shall be punishable as provided in section 1-4-1 of this code. (1970 Code §6-2-1-4; amd. 1995 Code)

CHAPTER 3
CIVIL EMERGENCIES

SECTION:

- 5-3-1: Definitions
- 5-3-2: Declaration of Emergency
- 5-3-3: General Curfew
- 5-3-4: General Orders
- 5-3-5: Duration of Proclamation
- 5-3-6: Notice of Proclamation
- 5-3-7: Construction of Provisions
- 5-3-8: Violation and Penalties

5-3-1: **DEFINITIONS:** For the purposes of this Chapter:

CIVIL EMERGENCY: A. Any 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

B. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

CURFEW: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, excepting officials of any governmental unit and persons officially designated to

duty with reference to said civil emergency.
(1970 Code §6-2-2-1)

5-3-2: **DECLARATION OF EMERGENCY:** Whenever a civil emergency as defined in the preceding section exists, the President shall declare its existence by means of a written declaration setting forth the facts which constitute the emergency¹. (1970 Code §6-2-2-2)

5-3-3: **GENERAL CURFEW:** After proclamation of a civil emergency by the President, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. (1970 Code §6-2-2-3)

5-3-4: **GENERAL ORDERS:** After the proclamation of a civil emergency, the President may also, in the interest of public safety and welfare, make any or all of the following orders:

- A. Order the closing of all retail alcoholic liquor businesses, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
- B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- C. Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- D. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- E. Issue such other orders as are imminently necessary for the protection of life and property.

1. S.H.A. 65 ILCS 5/11-1-6.

- F. Call out the State militia to aid in suppressing riots or the carrying into effect of any law or ordinance subject to the approval of the Governor of Illinois as provided in 65 Illinois Compiled Statutes 5/3-11-4. (1970 Code §6-2-2-4)

5-3-5: **DURATION OF PROCLAMATION:** The proclamation herein authorized shall be effective for a period of forty eight (48) hours unless sooner terminated by a proclamation of the President indicating that the civil emergency no longer exists. The President shall have the power to reproclaim the existence of a civil emergency at the end of each forty eight (48) hour period during the time the said civil emergency exists. (1970 Code §6-2-2-5)

5-3-6: **NOTICE OF PROCLAMATION:** Upon issuing the proclamation herein authorized, the Chief of Police shall notify any news media situated within the Village, and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the Village Hall. (1970 Code §6-2-2-6)

5-3-7: **CONSTRUCTION OF PROVISIONS:** Nothing contained in this Chapter shall be construed to impair the powers contained in other chapters of this Municipal Code or any rules or regulations pursuant thereto, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances that are now, or shall be, in effect for the safety and welfare of the citizens of the Village. (1970 Code §6-2-2-8)

5-3-8: **VIOLATION AND PENALTIES:** Any person violating the above civil emergency provisions, or the executive order issued pursuant thereto, shall be guilty of an offense against the Village, and shall, upon conviction thereof, be subject to penalty as provided in Section 1-4-1 of this Code. (1970 Code §6-2-2-7; 1995 Code)

CHAPTER 4

ANIMAL CONTROL

ARTICLE A. LICENSING PROVISIONS

SECTION:

5-4A-1:	Definitions
5-4A-2:	Dog License Required; Exceptions
5-4A-3:	Application for License
5-4A-4:	Certificate of Rabies Inoculation
5-4A-5:	License Fees; Issuance of Tag
5-4A-6:	Expiration of License
5-4A-7:	Unauthorized Transfer of License
5-4A-8:	Tag Affixed to Collar
5-4A-9:	Duties of Village Clerk

5-4A-1: **DEFINITIONS:** For the purposes of this Article:

ANIMAL: Any and all types of animals, both domesticated and wild, male and female, singular and plural.

AT LARGE: Off the premises of the owner and not under the immediate control of either the owner or a person the owner has designated to be in control. However, if an animal under the control of a Village official or veterinarian escapes and runs loose, it shall not be considered "at large".

BITING: The infliction of a break in the skin or a wound by the teeth of an animal.

CRUELTY TO ANIMALS: Includes, but not necessarily limited to, the following:

A. Overloading, overdriving, overworking, beating, torturing, abusing, tormenting, knowingly

poisoning, knowingly attempting to poison, mutilating or killing any animal, or causing or knowingly permitting the same to be done.

B. Working any old, lame, infirm, sick or disabled animal, or causing or knowingly permitting the same to be done.

C. Unnecessarily failing to provide an animal in one's charge or custody as owner or otherwise with proper food, drink and proper sanitary shelter.

D. Abandoning any old, lame, infirm, sick or disabled animal by leaving such animal on any highway or public way or in any other place where it may suffer injury, hunger, exposure or become a public charge.

DANGEROUS DOG: Any dog which has bitten any person or which causes reasonable fear of bodily injury to any person by attacking or threatening to attack such person.

DOG: Any and all animals of the canine species.

OWNER: A. Any person owning, harboring or keeping an animal within the Village.

B. For purposes of the Village, the person last issued a dog license shall be presumed to be the owner of such dog.

C. A person harboring or keeping an unlicensed animal in the Village for a period of five (5) days shall be presumed to be the owner of such animal. (1970 Code §6-4-1-1)

5-4A-2: DOG LICENSE REQUIRED; EXCEPTIONS:

A. License Required: It shall be unlawful for any person to own, possess or maintain any dog within the Village without first securing an annual dog license therefor and tagging the dog therewith as provided in this Article. (1970 Code §6-4-1-2)

B. Exceptions: The provisions of this Article shall not apply to:

1. Dogs used by regularly chartered medical colleges or other educational or scientific institutions for scientific purposes only;
2. Any dog under the age of four (4) months; or
3. Any dog, until said dog has been within the Village for a period of seven (7) days. (1970 Code §6-4-1-3)

5-4A-3: **APPLICATION FOR LICENSE:** Application for dog licenses shall be made to the Village Clerk upon such printed forms as shall be provided by him, which forms shall include the following information: the name and address of the owner of the dog and the name, age, sex, color, breed and description of such dog. (1970 Code §6-4-1-4)

5-4A-4: **CERTIFICATE OF RABIES INOCULATION:** At the time of application for a dog license, the applicant shall present to the Village Clerk the certificate of a veterinarian licensed by the State which shows that the dog was inoculated or vaccinated against rabies within the calendar year immediately preceding such application. (1970 Code §6-4-1-5)

5-4A-5: **LICENSE FEES; ISSUANCE OF TAG:**

- A. License Fee: The annual license fee for all dogs shall be five dollars (\$5.00). (Ord. 276, 4-15-80)
- B. Tag: Upon complying with the foregoing provisions, the owner shall receive from the Clerk a metal license tag upon which shall be stamped the name of the Village, the number of such license tag and the year for which issued. (1970 Code §6-4-1-6)
- C. Lost License Tag; Duplicate; Fee: Whenever any license tag is lost, the owner shall receive a duplicate tag from the Village Clerk after paying a fee of two dollars (\$2.00). Provided, however, that if said dog has been impounded for not displaying a license and the license tag was lost or taken, the owner shall receive a duplicate license tag only after compliance with Section 5-4C-3 of this Chapter, in addition to the duplicate license fee provided herein. (1970 Code §6-4-1-7; amd. Ord. 276, 4-15-80)

- D. **Transfer of Ownership; Fee:** Whenever the ownership of any dog shall change, the new owner shall notify the Village Clerk and pay a fee of two dollars (\$2.00), whereupon the Clerk shall accordingly change the record of ownership of said dog. (Ord. 276, 4-15-80)

5-4A-6: **EXPIRATION OF LICENSE:** All licenses hereunder shall expire at the end of the fiscal year of the Village. Licenses issued after November 1 may be for a sum equal to one-half ($\frac{1}{2}$) the annual license fee; provided, however, that no license shall be issued for any amount less than one-half ($\frac{1}{2}$) the annual license fee. (1970 Code §6-4-1-9)

5-4A-7: **UNAUTHORIZED TRANSFER OF LICENSE:** It shall be unlawful for any person to place any license tag on any dog other than the dog for which such tag was issued. (1970 Code §6-4-1-10)

5-4A-8: **TAG AFFIXED TO COLLAR:**

- A. The owner of a dog shall provide the dog with a collar or harness made of leather, metal or other substantial material, to which shall be securely fastened the proper license tag and also a tag issued by the State Rabies Inspector, Deputy Inspector or any licensed veterinarian showing that such dog has been vaccinated against rabies during the current or immediately preceding year.
- B. A dog found within the Village not wearing the proper collar and tags shall be impounded.
- C. Any owner not providing such collar and tags shall be subject to the penalties specified in subsection 5-4D-17 of this Chapter. (1970 Code §6-4-1-11)
- D. **Unauthorized Removal of Collar or Tags:** It shall be unlawful for any person not authorized by the owner to remove or take away any dog collar, Village license tag or rabies vaccination tag from any dog; provided, however, that this subsection shall not apply to any governmental official in the exercise of his duties. (1970 Code §6-4-1-12)

5-4A-9: DUTIES OF VILLAGE CLERK:

- A. **Provide Tags:** The Village Clerk shall provide each year such number of metal dog license tags as may be needed; the shape and color to be changed each year, having stamped on such tag the name of the Village, the number of the tag and the year for which issued.
- B. **Keep Register of Licensed Dogs:** The Clerk shall keep a complete register, in a book to be kept specially for that purpose, of all licensed dogs, the number of the current license tag issued for each dog, the name and address of the owner of each such dog and the name, age, sex, color, breed and description of each such dog. (1970 Code §6-4-1-13)

CHAPTER 4

ANIMAL CONTROL

ARTICLE B. RABIES CONTROL

SECTION:

- 5-4B- 1: Rabies Vaccination Required
- 5-4B- 2: Certificate of Vaccination
- 5-4B- 3: Duties of Owner of Biting Dog
- 5-4B- 4: Duties of Persons Suspecting Rabies Infection
- 5-4B- 5: Duties of Police Department
- 5-4B- 6: Confinement for Observation
- 5-4B- 7: Duties of Owner upon Reclaiming Dog
- 5-4B- 8: Rabies Epidemic; Power of President
- 5-4B- 9: Police Authorized to Kill Certain Dogs
- 5-4B-10: False Reports Prohibited

5-4B-1: **RABIES VACCINATION REQUIRED:** The owner of a dog four (4) months or more of age, located within the Village, shall cause such dog to be inoculated by the State Rabies Inspector, or by his deputy or by any licensed veterinarian. (1970 Code §6-4-2-1)

5-4B-2: **CERTIFICATE OF VACCINATION:** Every licensed veterinarian who vaccinates a dog shall issue a certificate of vaccination to the owner of such dog stating the name and address of the owner, a brief description of the dog, and the date of such vaccination. (1970 Code §6-4-2-2)

5-4B-3: **DUTIES OF OWNER OF BITING DOG:**

- A. Any owner receiving notice or having knowledge that his dog has been bitten by any animal suffering or suspected to be suffering from rabies, or that his dog has bitten any person, shall immediately notify or deliver his dog to any police officer who shall place the dog in a

licensed veterinary hospital for observation, or such owner shall himself immediately notify the Village Clerk of the name and location of such hospital.

- B. It shall be unlawful for any owner of a dog, upon receiving notice or having knowledge that such dog has bitten any person or that such dog has been bitten by any animal suffering or suspected to be suffering from rabies, to sell or give away such dog, or permit such dog to run at large, or to be taken beyond the Village except to a veterinary hospital within the County; and it shall also be unlawful for such owner to refuse to deliver said dog for observation as provided herein. (1970 Code §6-4-2-3)

5-4B-4: DUTIES OF PERSONS SUSPECTING RABIES INFECTION:

- A. Every veterinarian or other person discovering or suspecting any dog to be suffering from rabies shall immediately report this matter to the Police Department of the Village, giving the name and address of the owner of such dog, if known, the place where the dog can be found, and the license tag number of such dog, if known.
- B. For the purposes of this Section only, any dog which has bitten any person shall be presumed to be suffering from rabies. (1970 Code §6-4-2-4)

5-4B-5: DUTIES OF POLICE DEPARTMENT: Upon being notified that a dog has bitten any person or is suspected of suffering from rabies, the Police Department shall:

- A. When the owner of the dog is known, notify such owner and direct such owner to deliver the dog to a licensed veterinary hospital for observation; or
- B. When the owner of the dog is unknown, immediately take up said dog and confine said dog to a licensed veterinary hospital for observation.
- C. When a dog is taken up under the provisions of subsection B above, notify the owner, if known, of the confinement of such dog within seven (7) days after the confinement begins or the identity of the owner is discovered. (1970 Code §6-4-2-5)

5-4B-6: CONFINEMENT FOR OBSERVATION:

- A. Confinement of a dog for observation under this Article shall be for a period of twelve (12) days. The dog shall be examined immediately after confinement and again before the twelve (12) day period has expired.
- B. The veterinarian shall submit to the Village Clerk a certificate following each examination stating whether or not the dog shows symptoms of rabies.
- C. If the dog is found rabid, the dog shall be destroyed in a humane manner. If the dog is destroyed, or if it shall die within the twelve (12) day observation period, its head shall be sent by the veterinarian to the laboratory of the State Department of Public Health.
- D. If the dog is not found rabid by the end of the confinement period, the owner shall be so notified and the dog may be released to its owner, and the Village Clerk so advised. (1970 Code §6-4-2-6)

5-4B-7: DUTIES OF OWNER UPON RECLAIMING DOG:

- A. An owner may reclaim any dog impounded under the provisions of this Article within seven (7) days after the period for observing said dog has expired by paying the costs incurred during the observation period, and the cost of a license if the dog was unlicensed, and the costs of a rabies vaccination shot if the owner cannot prove the dog has been properly vaccinated as provided in Section 5-4A-4 of this Chapter.
- B. If the owner or keeper does not claim the dog within this time, then any person may redeem it by making like payments.
- C. If the dog is not claimed as set forth herein, it shall be destroyed in a humane manner, and any reasonable costs incurred by a licensed veterinarian in compliance with this Article shall be paid to said veterinarian. (1970 Code §6-4-2-7)

5-4B-8: RABIES EPIDEMIC; POWER OF PRESIDENT:

- A. Issuance of Proclamation by President: Whenever the President shall deem it necessary to prevent an epidemic of rabies, he may issue a proclamation requiring the owners of all dogs to keep them securely confined or to keep them properly muzzled or leashed, so they cannot bite, for such times as may be designated in the proclamation or until otherwise notified.
- B. Publication of Proclamation: The President shall publish such proclamation in a paper of general circulation within the Village and post such proclamation in the Village Hall. (1970 Code §6-4-2-8)
- C. Duties of Owners upon Proclamation: Following any proclamation as set forth in the preceding subsection, it shall be unlawful for any owner to permit his dog to run at large in violation of the provisions of such proclamation. In addition to the penalties provided with respect to any such owner for violating this subsection, a dog running at large unmuzzled shall be impounded. (1970 Code §6-4-2-9)

5-4B-9: POLICE AUTHORIZED TO KILL CERTAIN DOGS: Any police officer may kill a dog running at large which is suspected of suffering from rabies if the dog, in the opinion of the police officer, cannot be safely taken up and impounded, or if the police officer deems such killing essential to the safety of any person. (1970 Code §6-4-2-10)

5-4B-10: FALSE REPORTS PROHIBITED: It shall be unlawful for any person to make any report required by this Article without having a reasonable belief in its truth and accuracy. (1970 Code §6-4-2-11)

CHAPTER 4

ANIMAL CONTROL

ARTICLE C. IMPOUNDMENT PROCEDURES

SECTION:

- 5-4C-1: Tazewell County Animal Control Officer; Shelter
 5-4C-2: Alternate Services and Conditions
 5-4C-3: Redemption of Impounded Animals; Fee

5-4C-1: TAZEWELL COUNTY ANIMAL CONTROL OFFICER; SHELTER: The Tazewell County Animal Control Officer shall be in charge of the impoundment of animals running at large within the Village. Said animals shall be impounded in the County animal shelter. (1995 Code)

5-4C-2: ALTERNATE SERVICES AND CONDITIONS:

- A. **Contract for Services:** The Village shall be, and hereby is, authorized and empowered to contract with a qualified individual, other governmental agency or business association for the provision of those services and the discharge of those duties and responsibilities otherwise imposed by this Article upon the Village.
- B. **Reclamation Fees; Conditions:** The Village reserves the right to make such reasonable charges in reclamation fees and in conditions, rules and regulations herein established in this Article from time to time as may be determined expeditious or necessary. (Ord. 287, 11-3-80; 1995 Code)

5-4C-3: REDEMPTION OF IMPOUNDED ANIMALS; FEE:

- A. **Redemption Fee:** Any person seeking to redeem any impounded animal shall pay a fee of twenty five dollars (\$25.00) upon the first

said redemption, and a cumulative fee for each subsequent redemption of twenty five dollars (\$25.00) plus an additional twenty five dollars (\$25.00) for each time that same animal has been redeemed. (Ord. 287, 11-3-80)

- B. **Proof of License and Inoculation:** In addition, such person must prove that said animal is properly licensed and inoculated or vaccinated against rabies as provided in this Chapter. Absent such proof, no such animal shall be released from the shelter until the animal be properly licensed and vaccinated, and until all costs and expenses thereof be paid to the Village Clerk. (1970 Code §6-4-4-5; 1995 Code)

CHAPTER 4

ANIMAL CONTROL

ARTICLE D. OFFENSES INVOLVING ANIMALS

SECTION:

- 5-4D- 1: Disturbing the Peace; Annoying Noises
- 5-4D- 2: Dogs Running at Large
- 5-4D- 3: Defecation by Dogs on Private Property
- 5-4D- 4: Destruction of Private Property by Dog
- 5-4D- 5: Restriction of Animals from Public Places
- 5-4D- 6: Dangerous, Threatening Dogs
- 5-4D- 7: Cruelty to Animals
- 5-4D- 8: Duty upon Striking Animal with Vehicle
- 5-4D- 9: Dogs Chasing Vehicles or Bicycles
- 5-4D-10: Procurement of Animal without Knowledge of Owner
- 5-4D-11: Abandoning Animals within Village
- 5-4D-12: Sanitation
- 5-4D-13: Female Dogs in Heat
- 5-4D-14: Use of Animals for Indecent Purposes
- 5-4D-15: Certain Animals, Livestock Prohibited in Village
- 5-4D-16: Diseased or Dying Animals
- 5-4D-17: Violations; Penalties

5-4D-1: **DISTURBING THE PEACE; ANNOYING NOISES:**

- A. Annoying Noise: It shall be unlawful for any person to keep or harbor any animal which disturbs the peace by loud noises at any time of day or night, and it shall be unlawful for any such person to permit any animal to make such noises. (1970 Code §6-4-3-1)
- B. Causing Animal to Make Annoying Noises: It shall be unlawful for any person to treat any animal in any manner which causes such animal to disturb the peace by loud noises at any time of day or night. (1970 Code §6-4-3-2)

- C. **Complaint of Annoying Noises:** Any person residing in a neighborhood whose quietness has been disturbed by any animal owned or possessed within the neighborhood may make a sworn complaint before a Village police officer or the Village Clerk against the owner or possessor of said animal. (1970 Code §6-4-3-3)
- D. **Animals Disturbing the Peace Declared a Nuisance:** Any animal which disturbs the peace by loud noises at any time of day or night is hereby declared to be a nuisance, and may be impounded by the Tazewell County Animal Control Officer or a Village police officer, and may be redeemed only by paying the appropriate fees as provided in Section 5-4C-3 of this Chapter. (1970 Code §6-4-3-4; 1995 Code)

5-4D-2: DOGS RUNNING AT LARGE:

- A. **Prohibited:** It shall be unlawful for any person owning or possessing any dog within the Village to permit such dog to run at large. (1970 Code §6-4-3-5)
- B. **Nuisance Declared:** Any dog running at large is hereby declared to be a nuisance, and may be taken up and impounded by the Tazewell County Animal Control Officer or any Village police officer, and may be redeemed only by paying the appropriate fees as provided in Section 5-4C-3 of this Chapter. (1970 Code §6-4-3-6; 1995 Code)
- C. **Authority to Take Up or Impound:** Any person finding any dog running at large upon his property or upon any premises enumerated in Section 5-4D-5 of this Article to his injury or annoyance may take up such dog and remove it or have it impounded. (1970 Code §6-4-3-12)

5-4D-3: DEFECATION BY DOGS ON PRIVATE PROPERTY: It shall be unlawful for any owner or possessor to permit a dog to walk or defecate upon private property without the consent of the occupant thereof. (1970 Code §6-4-3-7)

5-4D-4: DESTRUCTION OF PRIVATE PROPERTY BY DOG: It shall be unlawful for any owner or possessor of any dog to permit such dog to damage or destroy any personal property of another person. (1970 Code §6-4-3-8)

5-4D-5: RESTRICTION OF ANIMALS FROM PUBLIC PLACES: It shall be unlawful for any owner or possessor of any animal to permit such animal to enter any religious premises, public hall, bank building, automobile gasoline station, public garage or any place where food or beverage is sold or served during such time as these establishments are open for use to the public or persons entitled to use the same; provided however, that the owner of any of the above establishments may permit a watch dog to remain therein if such dog is held and restrained in such a way that such dog cannot injure any patron or come in contact with any food. This Section does not apply to seeing eye trained dogs. (1970 Code §6-4-3-9; 1995 Code)

5-4D-6: DANGEROUS, THREATENING DOGS:

- A. **Threatening or Annoying Dogs:** It shall be unlawful for any owner or possessor of any dog to permit such dog to cause reasonable fear of bodily injury to any person by attacking or threatening to attack such person, or to permit such dog to jump upon any person to the annoyance of said person. (1970 Code §6-4-3-10)
- B. **Dangerous Dogs¹:** It shall be unlawful for any person owning or possessing any dangerous dog to permit such dangerous dog to run at large, whether such dog be muzzled or unmuzzled. (1970 Code §6-4-3-13)
- C. **Impounding Dangerous Dogs:** Any dangerous dog running at large shall be taken up and impounded whenever possible; provided, however, that if the Tazewell County Animal Control Officer or any Village police officer reasonably believes that such dog in any way endangers any person, such officials are authorized to kill such dog in a humane manner. (1970 Code §6-4-3-14; 1995 Code)

5-4D-7: CRUELTY TO ANIMALS:

- A. **Encourage Fighting:** It shall be unlawful for any person to instigate, cause, procure or encourage any fight between animals, either in private or in public.

1. See Section 5-4A-1 of this Chapter for definition of "dangerous dog".

- B. **Hunting Game Animals or Birds:** It shall be unlawful for any person to hunt or attempt to kill by any means any game animal or game birds within the Village.
- C. **Cruelty:** It shall be unlawful for any person to treat any animal within the Village in any cruel manner whatsoever. (1970 Code §6-4-3-15)
- D. **Intentional Injuring of Animals:** In addition to the other prohibitions of this Article, no person shall kill or wound, or attempt to kill or wound, by any means whatsoever, any bird or squirrel, or rob or injure the nest of such creatures, or enter upon any private premises or public place, for the purpose of doing any act prohibited by this Section. (1970 Code §6-4-3-17; 1995 Code)

5-4D-8: DUTY UPON STRIKING ANIMAL WITH VEHICLE: It shall be unlawful for any person who kills or injures any animal while driving a motor vehicle to leave the scene of the accident without first stopping and rendering such assistance as is practical. Such person shall immediately report the incident to the Police Department. (1970 Code §6-4-3-16)

5-4D-9: DOGS CHASING VEHICLES OR BICYCLES: It shall be unlawful for any person owning or possessing any dog to permit such dog to chase any motor vehicle or bicycle traveling upon any public or private street or sidewalk. (1970 Code §6-4-3-11)

5-4D-10: PROCUREMENT OF ANIMAL WITHOUT KNOWLEDGE OF OWNER: It shall be unlawful for any person in any manner to procure or acquire, or attempt to procure or acquire, or knowingly cause or aid in the procurement or acquisition of any animal for any purpose without the consent of the owner thereof. (1970 Code §6-4-3-18)

5-4D-11: ABANDONING ANIMALS WITHIN VILLAGE: It shall be unlawful for any owner or person in control of any animal to abandon such animal within the Village¹. (1970 Code §6-4-3-19)

1. See Section 5-4A-1 of this Chapter, definition of "cruelty to animals", as to what constitutes abandonment.

5-4D-12: SANITATION:

- A. **Keeping Animals in Sanitary Condition:** Every owner or person in possession of an animal shall maintain his animal in a clean and sanitary condition. (1970 Code §6-4-3-20)
- B. **Offensive Odors:** It shall be unlawful for any person to cause or permit offensive odors to emanate from the premises where he keeps any animal. (1970 Code §6-4-3-21)

5-4D-13: FEMALE DOGS IN HEAT:

- A. It shall be unlawful for any person in possession of any female dog to permit such female dog to run at large within the Village at any time while such dog is in heat.
- B. In addition to any penalty for which the owner shall be liable under subsection 5-4D-17B of this Article, such dog shall be impounded as provided in Article C of this Chapter. (1970 Code §6-4-3-22)

5-4D-14: USE OF ANIMALS FOR INDECENT PURPOSES: It shall be unlawful for any person to, in any manner, instigate, cause, procure, participate in or assist in any indecent, lewd or immoral show, use or exhibition of an animal. (1970 Code §6-4-3-23)

5-4D-15: CERTAIN ANIMALS, LIVESTOCK PROHIBITED IN VILLAGE:

- A. It shall be unlawful for any person to own, use, keep or permit to be at large within the Village any of the following animals: bees, pigeons, horses, cattle, sheep, ponies, mules, goats, pigs, swine, hogs, potbellied pigs, ducks, geese, chickens, minks, skunks, foxes or any other livestock or poultry or any wild or vicious animal dangerous to mankind.
- B. Any animal named above which is found at large within the Village shall be impounded in the Tazewell County animal shelter, if possible; provided however, that whenever any police officer believes such animal endangers any person, such animal may be killed by said officer.

- C. In addition to any other penalties imposed upon any person violating this Section, such person shall also be liable for the costs of impounding or killing such animal, if necessary. (1970 Code §6-4-3-24; 1995 Code)

5-4D-16: DISEASED OR DYING ANIMALS:

A. Running at Large:

1. It shall be unlawful to allow any animal inflicted with any contagious or infectious disease to run at large or to be exposed in any public place whereby the health of persons or other animals may be affected, nor shall such diseased animal be removed or shipped from the premises of the owner thereof except under the supervision of the Health and Sanitation Officer, Tazewell County Animal Control Officer or a licensed veterinarian.

2. The Health and Sanitation Officer, Tazewell County Animal Control Officer or a licensed veterinarian shall cause such disposition of any diseased animal and such treatment of affected premises as to prevent the communication or spread of contagion or infection.

3. Whenever any animal is in any street or public place within the Village and appears, in the estimation of any police officer or Village Health and Sanitation Officer, Tazewell County Animal Control Officer or licensed veterinarian to be injured or diseased beyond recovery, and is not being attended and properly cared for by the owner or other proper person in control thereof, and whenever such animal has not been removed to some private premises or other place designated by such officer within one hour after being found or left in such condition, such animal may be put to death by such officer or his authorized agent and, unless at once removed by the owner, shall be treated as any other dead animal found on a street or public place, as hereinafter provided. (1970 Code §6-4-3-25; 1995 Code)

- B. Removal Required:** Any person possessing any dead animal or any animal injured or diseased beyond recovery, which is not killed for meat or is improper for use as meat, or which is in an offensive condition or sick with an infectious or contagious disease, shall at once notify the Village Health and Sanitation Officer or Tazewell County Animal Control Officer thereof, and upon said Officer's order,

such person at his own expense shall at once remove or cause the removal of such animal. (1970 Code §6-4-3-26; 1995 Code)

- C. **Burial or Disposal of Dead Animals:** It shall be unlawful for any person to abandon, deposit or throw upon any place, street or public water, or to offensively expose or bury anywhere within the Village, the body or any part thereof of any dead or fatally diseased or injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl or fish in a place where the same may be dangerous to the life or detrimental to the health of any person. (1970 Code §6-4-3-27)

5-4D-17: VIOLATIONS; PENALTIES:

A. Liability of Owner or Keeper:

1. **Damage to Animals:** The owner or keeper of any animal shall be liable for all damages that may occur to any person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person; provided however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper. (1970 Code §6-4-6-1)

2. **Injury to Persons:** If an animal without provocation attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained. (1970 Code §6-4-6-2)

3. **Damage to Property:** The owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed. (1970 Code §6-4-6-3)

B. Penalty:

1. **Penalty Imposed:** Any person who violates, neglects or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall, upon conviction thereof, be subject to penalty as provided in Section 1-4-1 of this Code. (1970 Code §6-4-6-4; 1995 Code)

2. Separability of Penalties: The penalties provided for in this Article shall not be construed as precluding such other or any other penalties and costs provided elsewhere in this Chapter. (1970 Code §6-4-6-5)

CHAPTER 5

MINORS

SECTION:

- 5-5-1: Curfew
- 5-5-2: Liquor Related Offenses
- 5-5-3: Firearms, Weapons And Air Rifles; Restrictions
- 5-5-4: Underage Tobacco Related Offenses

5-5-1: **CURFEW:**

- A. **Age And Hour Restrictions:** It is unlawful for a person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least eighteen (18) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than seventeen (17) years of age to perform:

Between one minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. Saturday;

Between one minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. Sunday; and

Between eleven o'clock (11:00) P.M. on Sunday to Thursday, inclusive, and six o'clock (6:00) A.M. on the following day.

- B. **Parental Responsibility:** It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection A of this section.
- C. **Penalty:** Any person convicted of a violation of any provision of this section shall be guilty of a petty offense and shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 312, 11-7-1983; amd. 1995 Code)

5-5-2: LIQUOR RELATED OFFENSES:**A. Sale To Minors Prohibited:**

1. Sale Prohibited: It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to another person under twenty one (21) years of age, except in the performance of a religious ceremony or service.

2. Penalty: A violation of this subsection A shall be punishable as provided in section 1-4-1 of this code. (1970 Code §6-2-4-10; amd. 1995 Code)

B. Possession By Minor Prohibited:

1. Purchase Prohibited: It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited by this section to purchase or accept a gift of alcoholic liquor or to have alcoholic liquor in his possession.

2. Liquor In Vehicle: The presence in a vehicle other than a public omnibus 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 at 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.

3. Penalty: A violation of this subsection B shall be punishable as provided in section 1-4-1 of this code. (1970 Code §6-2-4-11; amd. 1995 Code)

C. Consumption By Minors Prohibited:

1. Consumption Prohibited: It shall be unlawful for any person under twenty one (21) years of age to consume alcoholic liquor.

2. Penalty: A violation of this subsection C shall be punishable as provided in section 1-4-1 of this code. (1970 Code §6-2-4-12; amd. 1995 Code)

- D. Exception to Subsections B and C: Nothing in subsections B and C of this Section shall be deemed to prohibit the possession, dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or legal guardian of such minor in the privacy of a home. (1970 Code §6-2-4-13)
- E. Use of Forged Identification Card to Obtain Liquor Prohibited:
1. Identification Card Defined: For the purposes of this Section, an "identification card" is defined as any document issued by a public officer in the performance of his official duties which on its face purports to identify the name and age of the bearer.
 2. Display Prohibited: It shall be unlawful for any person to display an identification card that:
 - a. Is altered or defaced in any manner; or
 - b. Is false or forged; or
 - c. Is the identification card of another; or
 - d. Was obtained by means of false information;to induce another to sell, give or deliver alcoholic liquor to the bearer.
 3. A violation of this subsection shall be punishable as provided in Section 1-4-1 of this Code. (1970 Code §6-2-4-14; 1995 Code)

5-5-3: FIREARMS, WEAPONS AND AIR RIFLES; RESTRICTIONS:

A. Firearms and Weapons:

1. Sale Prohibited: It shall be unlawful for any person to sell to any minor person any firearm, bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, dagger, dirk, billy, dangerous knife, stiletto or any knife commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

2. Affirmative Defense: It shall be an affirmative defense for any person having sold such weapon that:

a. The minor procured the sale by use of false or forged identification cards; and

b. That he did not know, and could not reasonably have known, of the falsity or forgery; and

c. That he exercised reasonable diligence to determine the veracity of the representation.

3. Penalty: A violation of this subsection shall be punishable as provided in Section 1-4-1 of this Code. (1970 Code §6-2-4-15; 1995 Code)

B. Air Rifles:

1. Sale Prohibited: It shall be unlawful for any person to sell, lend, rent, give or otherwise transfer any "air rifle" to a person under thirteen (13) years of age except where the relationship of a parent-child, guardian-ward or adult instructor-pupil exists between such person and the person under thirteen (13) years of age.

2. Affirmative Defense: It shall be an affirmative defense for any person having sold such weapon that:

a. The minor procured the sale by use of false or forged identification cards; and

b. That he did not know, and could not reasonably have known, of the falsity or forgery; and

c. That he exercised reasonable diligence to determine the veracity of the representation.

3. Lawful Possession: It is lawful for any person under seventeen (17) years of age to have in his possession any air rifle if it is:

a. Kept within his house of residence or other private enclosure;

b. Used by the person under seventeen (17) years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range

under the supervision, guidance and instruction of a responsible adult and then only if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult; or

c. Used in or on any private grounds or residence under circumstances when such air rifle is fired, discharged or operated in such a manner as not to endanger persons or property and then only if it is used in such manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

4. Carrying Rifle Unloaded: It is unlawful for any person, whether minor or not, to carry any air rifle within the village unless such rifle is unloaded.

5. Discharge Restricted: It is unlawful for any person, whether minor or not, to discharge an air rifle within the village except on a safely constructed target range. (1970 Code §6-2-4-16)

5-5-4: UNDERAGE TOBACCO RELATED OFFENSES:

A. Smoking By Minors Prohibited:

1. Smoking Prohibited: It shall be unlawful for any person under eighteen (18) years of age to smoke any tobacco products.

B. Purchase Prohibited: It shall be unlawful for any person under eighteen (18) years of age to purchase any tobacco products within the village.

C. Sale Prohibited: It shall be unlawful for any person, after purchasing or otherwise obtaining tobacco products, to sell, give or deliver such tobacco products to any person under eighteen (18) years of age. The sale or delivery of tobacco products shall include transfer of tobacco products by vending machine, and the person who has control or supervision over said machine at time of use by minor of same shall be guilty of sale or delivery to the minor.

D. Possession Prohibited: It shall be unlawful for any person under the age of eighteen (18) to have tobacco products in his/her possession.

E. Penalty: A violation of this section shall be punishable as provided in section 1-4-1 of this code, as amended. (Ord. 421, 3-10-2003)

CHAPTER 6
FAIR HOUSING

SECTION:

- 5-6-1: Purpose and Declaration of Policy
 5-6-2: Definitions
 5-6-3: Prohibited Acts
 5-6-4: Review Complaints; Remedial Actions
 5-6-5: Closed Meetings; Conduct of Hearings
 5-6-6: Penalty

5-6-1: **PURPOSE AND DECLARATION OF POLICY:** It is hereby declared to be the policy of the Village, in the exercise of its police and regulatory power for the protection of the public and in the interest of health, welfare and safety of the public, to assure equal opportunity to all persons in their right to acquire or seek to acquire housing facilities regardless of race, color, creed, religion, sex or national origin and to thereby prohibit discrimination in housing on the basis of race, color, creed, religion, sex or national origin. (Ord. 286, 10-27-80)

5-6-2: **DEFINITIONS:**

- COMMISSION:** The Village of South Pekin Fair Housing Commission.
- DWELLING:** See Housing.
- HOUSING:** Any building or structure, or portion thereof, within the Village which is used or occupied as the home, residence or living quarters for one or more individuals, groups or families.
- LEASE:** Includes sublease, assignment and rent (or rental), and includes any contract to do any of the foregoing.

LENDING INSTITUTION:	Any bank, insurance company, savings and loan association or other person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.
NATIONAL ORIGIN:	Includes the national origin of an ancestor.
OWNER:	Any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.
PURCHASE:	Includes any contract to purchase.
REAL ESTATE AGENT:	Any real estate broker, any real estate salesman, and any other person who, as employee or agent or otherwise, engages in the sale, lease, management or operation of any dwelling or housing.
REAL ESTATE TRANSACTION:	The purchase, sale, exchange or lease of any dwelling or housing, or an option to do any of the foregoing.
SALE:	Includes any contract to sell or exchange or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real estate.
VILLAGE OF SOUTH PEKIN:	The corporate body of government. (Ord. 286, 10-27-80)

5-6-3: PROHIBITED ACTS:

- A. Prohibitions: This Chapter prohibits the following acts, if they are based on race, color, creed, religion, sex or national origin:
1. Refusing to sell or rent to, or deal or negotiate with any person.
 2. Discriminating in terms of conditions for buying or renting housing.

3. Discriminating by advertising that housing is available to persons of a certain race, color, creed, religion, sex or national origin.
 4. Denying that housing is available for inspection, sale or rent when it is really available.
 5. "Blockbusting" for profit, i.e., persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood.
 6. Denying or making different terms or conditions for home loans by commercial lenders such as banks, savings and loan associations and insurance companies.
 7. Denying to anyone the use of or participation in any real estate services, such as brokers, organizations, multiple listing services or other facilities relating to the selling or renting of housing.
- B. Coverage, Real Estate Agents or Brokers: This Section shall apply respectively to every real estate agent who, within the Village, performs any function such as real estate agent, but does not maintain an office or place of doing business within the Village, as well as to every real estate agent and lending institution who maintains an office or place of doing business within the Village; provided, however, that the provisions of this Chapter shall not be so construed as to prohibit a real estate broker or real estate agent, on behalf of the owner, from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, sex, national origin, creed or ancestry.
- C. Unlawful Housing Practices: It shall be an unlawful housing practice and a violation of this Chapter for any person:
1. To aid, abet, incite or coerce a person to engage in unlawful housing practice; or
 2. Wilfully to interfere with the performance of a duty or the exercise of a power by the Fair Housing Commission or one of its members or representatives; or
 3. Wilfully to obstruct or prevent a person from complying with the provisions of this Chapter or an order issued thereunder. (Ord. 286, 10-27-80)

5-6-4: REVIEW COMPLAINTS; REMEDIAL ACTIONS: The Fair Housing Commission shall have and exercise, with respect to all dwellings and housing, and with respect to all persons subject to this Chapter, the power to:

- A. Review all complaints of discrimination.
- B. Act to eliminate unlawful housing practices through procedures established herein.
- C. Make recommendations to the Village Board with respect to possible discriminating actions by real estate brokers regarding fair housing. Such alleged actions shall be reported to the proper State authorities for possible proceedings against the real estate broker.
- D. Recommend to the Village Board, upon the conclusion of proceedings held under this Chapter, that the Board direct the Village Attorney to petition or institute proceedings with the Illinois Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any real estate broker or real estate salesman found to have violated any provision of this Chapter. (Ord. 286, 10-27-80)

5-6-5: CLOSED MEETINGS; CONDUCT OF HEARINGS: The Fair Housing Commission or any other administrative agency created by the Village, for the purpose of conducting hearings upon complaints of discrimination pursuant to this Chapter, may hold closed meetings for the purpose of conciliating such complaints of discrimination and such meetings shall not be subject to the provisions of "An Act in Relation to Meetings" approved July 11, 1957, as amended¹. Provided however, that no final action for the imposition or recommendation of a penalty by such Commission or administrative agencies upon such complaint or complaints shall be taken except at a meeting of the Commission or administrative agency open to the public. (Ord. 286, 10-27-80)

5-6-6: PENALTY: Any person who violates any provision of this Chapter, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 286, 10-27-80; 1995 Code)

1. S.H.A. 5 ILCS 120/1 et seq.

**MOTOR VEHICLES
AND
TRAFFIC**

TITLE 6

MOTOR VEHICLES AND TRAFFIC

Subject	Chapter
General Traffic Provisions	1
Parking Regulations	2
Traffic Schedules	3
Administration and Enforcement	4

CHAPTER 1

GENERAL TRAFFIC PROVISIONS

SECTION:

- 6-1-1: Illinois Vehicle Code Adopted by Reference
- 6-1-2: Speed Limits
- 6-1-3: Trains Obstructing Street Crossings
- 6-1-4: Towing or Pushing Vehicles

6-1-1: **ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE:**
Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois Vehicle Code (625 ILCS 5/1-100, et seq.), as amended, are hereby adopted by the Village. Any and all violations thereof shall be considered violations of this Title, and each such violation shall subject the violator thereof to penalty provisions under this Title if proceeded hereunder. (1995 Code)

6-1-2: **SPEED LIMITS:** The speed limit on all streets within the Village is hereby established at twenty (20) miles per hour unless otherwise posted. (Ord. 265, 4-16-79)

6-1-3: **TRAINS OBSTRUCTING STREET CROSSINGS:**

- A. It shall be unlawful for a railroad corporation, through its engineers or conductors or other employees or agents, to prevent any train, railroad car or engine to obstruct public travel at a railroad highway or public street grade crossing for a period in excess of ten (10) minutes, except where such train, railroad car or engine cannot be moved by reason of circumstances over which the railroad corporation has no control.

- B. Any railroad corporation violating this Section shall be fined in the following amounts, plus court costs and attorney fees, for obstructing street crossings for the following durations:

<u>Duration (Minutes)</u>	<u>Amount of Fine</u>
Exceeds 10 but not more than 15	Not less than \$200.00 nor more than 500.00
Exceeds 15 but not more than 20	\$ 500.00
Exceeds 20 but not more than 25	700.00
Exceeds 25 but not more than 30	900.00
Exceeds 30 but not more than 35	1,000.00
Exceeds 35	1,000.00
plus, for each 5 minutes in excess of 35 (Ord. 294, 4-6-81)	500.00

6-1-4: **TOWING OR PUSHING VEHICLES:**

- A. Drawbar or Towing Connection Requirements:

1. When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all the weight towed thereby, and the drawbar or other connection shall not exceed fifteen feet (15') from one vehicle to the other, except for the connection between any two (2) vehicles transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered.

2. Outside a business, residential or suburban district, no vehicle other than a pole trailer or a semi-trailer which is being towed by a truck trailer and is connected by the means of a fifth wheel shall be towed on a roadway except by a drawbar and such vehicle so towed shall, in addition, be coupled with two (2) cables or safety chains to

the towing vehicle. Such chains or cables shall be of sufficient size and strength to prevent the towed vehicle from parting from the drawing vehicle in case the drawbar should break or become disengaged.

- B. **Display of Yellow Flag:** When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a yellow flag or cloth not less than sixteen inches (16") square.
- C. **Pushing Other Vehicle:** No person shall push a vehicle with another vehicle upon any public way for a distance greater than six hundred feet (600').
- D. **Display of Red Light:** Every disabled vehicle being pushed or towed on any public way between the hour of sunset and the hour of sunrise shall display a red light plainly visible from a distance of at least five hundred feet (500') to the sides and rear thereof. Said red light shall be in addition to any other lights required by any law or ordinance.
- E. **Speed Restricted:** No person shall drive any vehicle pushing or towing a disabled vehicle at a rate of speed greater than is reasonable and proper having regard to the traffic and the use of the way or so as to endanger life or limb or injure the property of any person. (1970 Code §9-1-4-46)

CHAPTER 2

PARKING REGULATIONS

SECTION:

- 6-2-1: Snow Removal
- 6-2-2: Handicapped Parking
- 6-2-3: Abandoned Vehicles
- 6-2-3-1: Abandonment of Vehicles Prohibited
- 6-2-3-2: Removal and Sale Authorized

6-2-1: **SNOW REMOVAL:**

- A. **Parking after Snowfall:** It shall be unlawful for any person to park or remain parked on any Village street after a snowfall of two inches (2") to reasonably give notice of the necessity for removal of snow from the Village streets. (1970 Code §9-1-5-19; amd. Ord. 275, 11-5-79; 1995 Code)
- B. **Parking on Alternate Sides of Streets:** On the first day of the herein designated snowfall, parking of vehicles will be prohibited on the south side of all east and west streets, and on the west side of all north and south streets. On the following day, parking of vehicles will be prohibited on the north side of all east and west streets and on the east side of all north and south streets.
- C. **Two Inch Snowfall:** For the purpose of this Section, on the first snowfall from which is received at least two inches (2") of snow and more is predicted, or when the National Weather Service predicts a snowfall of two inches (2") or more, prima facie evidence shall exist to enforce the provision of this Section. (Ord. 275, 11-5-79)
- D. **Duration of Restriction:** The prohibition on parking under this Section shall remain in effect for a twelve (12) hour period commencing at the end of the snowfall or until the streets are cleared, whichever occurs first. (1970 Code §9-1-5-19)

6-2-2: HANDICAPPED PARKING:

- A. **Prohibition:** It is hereby prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person, as defined by section 5/1-159.1 of the Illinois Vehicle Code¹, pursuant to sections 5/3-616 or 5/11-1301.2 of the Illinois Vehicle Code, or to a disabled veteran pursuant to section 5/3-609 of the Illinois Vehicle Code, as evidence that the vehicle is operated by or for a handicapped person or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under section 5/11-301 of the Illinois Vehicle Code, for motor vehicles bearing such registration plates.
- B. **Penalty:** Any person found guilty of violating the provisions of this Section shall be fined seventy five dollars (\$75.00) in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under section 5/11-1301.3 of the Illinois Vehicle Code. (Ord. 342, 2-5-90; 1995 Code)

6-2-3: ABANDONED VEHICLES²:**6-2-3-1: ABANDONMENT OF VEHICLES PROHIBITED:**

- A. **Abandoned Vehicles:** No person shall abandon any vehicle within the Village and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- B. **Leaving of Wrecked, Nonoperating Vehicles on Street:** No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway in the Village.
- C. **Inoperable Vehicles Declared to be a Nuisance:** Inoperable motor vehicles, as defined herein, whether on public or private property, are hereby declared to be a nuisance.
- D. **Disposal of Inoperable Vehicles:** All persons are required to dispose of any inoperable motor vehicle under their control upon written

1. S.H.A. 625 ILCS.

2. See also Section 4-3-10 of this Code.

notice received from the Village Board of Trustees or from the Chief of Police or any member of his Department designated by him commanding such disposition of said inoperable motor vehicle. (1970 Code §9-1-5-13)

- E. Penalty: Any person violating any of the provisions of this Section 6-2-3-1 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1970 Code §9-1-5-14; 1995 Code)

6-2-3-2: REMOVAL AND SALE AUTHORIZED:

A. Towing Authorized:

1. When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this Village, not the owner of the vehicle, such person shall immediately notify the Municipal Police Department when the vehicle is within the corporate limits of the Municipality. Upon the receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Section.

2. When a motor vehicle or other vehicle is abandoned on a highway in the Village ten (10) hours or more, its removal by a towing service may be authorized by order of the Chief of Police.

- B. Traffic Hazard, Immediate Removal: When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police.

- C. Owner Responsible for Towing Costs: When a vehicle removed from either public or private property is authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs.

- D. **Maintain Record of Towed Vehicles:** When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.
- E. **Owner Unknown:**
1. When the Village Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
 2. The Police Department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.
- F. **Notify State to Identify Owner:** When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.
- G. **Reclamation by Owner:** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No

vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.

H. Sale of Unclaimed Vehicles; Notice to Owner:

1. Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or new, remains unclaimed by the registered owner or other person legally entitled to its possession, for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

2. In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

3. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Section, the vehicle may be sold as provided herein or disposed of in the manner authorized by the ordinance without notice to the registered owner or other person legally entitled to the possession of the vehicle.

- I. Disposal of Vehicle as Junk: When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Section, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police Motor Vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of

disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

- J. **Antique Vehicles Excluded:** A motor vehicle or other vehicles classified as an antique vehicle is excluded from this Section.
- K. **Record of Sale or Disposal:** When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Section, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.
- L. **Disposition of Proceeds:** When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Chief of Police and disposed of as set forth in this Section, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village Treasury.
- M. **Nonliability:** Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Section. (1970 Code §9-1-5-14; 1995 Code)

CHAPTER 3
TRAFFIC SCHEDULES

SECTION:

- 6-3-1: Stop Streets
6-3-2: Yield Right-of-Way Streets
6-3-3: No Parking Areas

- 6-3-1: **STOP STREETS:** The following streets are hereby designated as authorized stop streets and signal streets:

ONE-WAY STOP STREETS:

- A. East of Railroad:
- On Elm at Main Street.
 - On Maple at Main Street
 - On Maloney Street at 5th Street.
 - On Taylor Street at 5th Street.
 - On Vaupel Street at 5th Street.
 - On 1st Street at Main Street.
 - On 2nd Street at Main Street.
 - On 3rd Street at Main Street.
 - On 4th Street at Main Street.
 - On 5th Street at Main Street.

B. West of Railroad:

On Belsley Street at Main Street.

On Birkett Street at Main Street.

On Meyers Street at Main Street.

On Minch Street at Main Street.

On Ripper Street at Main Street.

On St. Mark Drive at Main Street. (1970 Code §9-2-1; 1995 Code)

6-3-2: **YIELD RIGHT-OF-WAY STREETS:** The following streets are hereby designated as authorized yield right-of-way streets:

A. East of Railroad:

On Maloney Street at 1st Street (traffic heading east on Maloney yields to traffic turning right off 1st Street onto Maloney and left off Maloney onto 1st Street).

On Taylor Street at 1st Street, 2nd Street, 3rd Street and 4th Street.

On Vaupel Street at 1st Street, 2nd Street, 3rd Street and 4th Street.

On 2nd Street at Maloney Street.

On 3rd Street at Maloney Street.

On 4th Street at Maloney Street.

B. West of Railroad:

1. Generally:

On Athey Street at Minch Street, Belsley Street, Birkett Street, Meyers Street and Ripper Street.

On Belsley Street at Harbberts Street.

On Birkett Street at Harbberts Street.

On Minch Street at Harbberts Street (traffic heading north on Minch Street yields to traffic turning left from Harbberts Street onto Minch Street, traffic turning right off Minch Street onto Harbberts Street, and traffic heading south on Minch Street).

On Ripper Street at Harbberts Street (traffic heading north on Ripper Street yields to traffic turning left off Ripper Street onto Harbberts Street and right off Harbberts Street onto Ripper Street).

On Sprau Street at Minch Street, Belsley Street, Birkett Street, Meyers Street and Ripper Street. (1970 Code §9-2-1; 1995 Code)

2. Cherryle Estates:

On Allen going onto St. Marks.

On Bryan going onto James.

On Bryan going onto Rose.

On Kevin Court going onto Bryan.

On Rose going onto St. Anthony.

On Rose going onto St. Marks, eastbound.

On Rose going onto St. Marks, westbound.

On St. Anthony heading south at James.

On St. Anthony heading south at Rose. (1995 Code)

6-3-3: **NO-PARKING AREAS:** No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, on any of the following streets or parts of streets:

Along the west side of Belsley Street between Main Street and Sprau Street.

Along the east side of Elm Street between Point Pleasant Drive and Main Street.

Along the north and south sides of West Main Street from St. Mark Drive west to Illinois Route 29.

Along the south side of Main Street from St. Mark Drive east to the west side of the Union Pacific Railroad tracks.

Along the west side of Maple Street between Main Street and Point Pleasant Drive.

Along the north side of Point Pleasant Drive between Maple Street and Elm Street.

Along the south side of Sprau Street between Minch Street and Belsley Street. (Ord. 378, 8-5-1996)

CHAPTER 4

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 6-4-1: Arrests and Prosecutions
- 6-4-2: Penalties Generally
- 6-4-3: Parking Violations, Fines

6-4-1: **ARRESTS AND PROSECUTIONS:**

- A. Police Department; Arrests: The Police Department shall patrol the public highways and streets of the Village and make arrests for violations of this Title.
- B. Village Attorney; Prosecute Violators: The Village Attorney, or any attorney at law duly appointed by the Board of Trustees to assist him, shall prosecute the violators of this Title. (1970 Code §9-1-11-1)

6-4-2: **PENALTIES GENERALLY:** Every person convicted for a violation of any provision of this Title for which another penalty is not provided shall for a first conviction under this Title be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00); for a second such conviction under this Title within one year thereafter, such person shall be punished by a fine of not less than seventy five dollars (\$75.00) nor more than three hundred dollars (\$300.00); and for a third or subsequent conviction within one year after the first such conviction, such person shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00); provided, however, that parking violations and fines shall be as established in Section 6-4-3 of this Chapter. (Ord. 261, 3-19-79; 1995 Code)

6-4-3: PARKING VIOLATIONS, FINES:

- A. **Payment of Fines:** Any person accused of a violation of a provision of this Title restricting the length of time for parking in a designated public area or on a Village street, or for other violations of parking regulations as set forth in Chapter 2 and/or Section 6-3-3 of this Title, may settle and compromise the claim against him or her for such illegal parking by paying to the Village an amount in the sum set forth in the following schedule, if such payment is made within twenty four (24) hours of the time such alleged offense was committed:

<u>Violation</u>	<u>Fine</u>
1. On a sidewalk	\$20.00
2. In front of a public or private driveway	10.00
3. Within an intersection	10.00
4. Within 15 feet of a fire hydrant	75.00
5. On a crosswalk	10.00
6. Within 20 feet of a crosswalk at any intersection	10.00
7. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway	10.00
8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Village indicates a different length by signs or markings	40.00
9. Within 50 feet of the nearest rail of a railroad grade crossing	10.00
10. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted	10.00

- | | |
|--|---------|
| 11. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic | \$10.00 |
| 12. On the roadway side of any vehicle parked at the edge or curb of a street | 10.00 |
| 13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel | 10.00 |
| 14. At any place where official signs prohibit parking | 10.00 |
| 15. Within any designated bus zone, where such zone is marked by signals or pavement markings | 10.00 |
| 16. In an alley within 20 feet of the inner sidewalk line projected across such alley | 10.00 |
| 17. Under the lowest portion of any fire escape | 10.00 |
| 18. Upon a railroad track or between any railroad track and a line parallel with and 10 feet distant from the outer rail thereof | 10.00 |
| 19. Upon any parkway except in case of emergency | 10.00 |
| 20. Within 20 feet of any alley entrance or exit | 10.00 |
- B. Disposition of Monies Received: Payments made pursuant to subsection A of this Section shall be made at the Village police station, and a receipt shall be issued for all monies so received. Such monies shall be turned over to the Village Treasurer.
- C. Exception: The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offenses compromised and settled pursuant to subsection A hereof; provided, however, that nothing in said subsection A of this Section shall be deemed to apply to any person:
1. Parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency equipment is kept or housed; or
 2. Parking a vehicle on a private parking lot in violation of Village regulations; or

3. Parking a vehicle in such a way so to reduce traffic on an arterial street to one-way traffic only; or

4. Who, upon the request of any member of the Police or Fire Department, refuses to move a vehicle illegally parked. (Ord. 261, 3-19-79; 1995 Code)

**PUBLIC WAYS
AND
PROPERTY**

TITLE 7
PUBLIC WAYS AND PROPERTY

Subject	Chapter
Streets, Sidewalks And Public Ways	1
Excavations	2
Driveway Construction	3
Fences	4
Trees And Shrubs	5
Water Regulations	6
Waste Water Service Charges	7
Public Sewers	8

CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

- 7-1- 1: Supervision
- 7-1- 2: Street and Sidewalk Construction; Paving
- 7-1- 3: Injury to Pavements
- 7-1- 4: Repairs
- 7-1- 5: Report Defects
- 7-1- 6: Obstructions
- 7-1- 7: Vision Clearance at Corners
- 7-1- 8: Defective or Dangerous Sidewalks
- 7-1- 9: Snow and Ice Removal from Sidewalks
- 7-1-10: Alleys and Gutters Kept Clean
- 7-1-11: Spitting on Sidewalks
- 7-1-12: Cellar Doors, Openings in Sidewalks
- 7-1-13: Barricades and Lights
- 7-1-14: Encroachments
- 7-1-15: Deposits on Streets and Sidewalks
- 7-1-16: Obstructing Drains
- 7-1-17: Maintaining Poles and Wires
- 7-1-18: Gas Pump Prohibited
- 7-1-19: Playing Games Restricted

7-1-1: **SUPERVISION:** All public streets, alleys, sidewalks and other public ways in the Village shall be under the supervision of the Superintendent of Public Works. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all provisions relating to such public places. (1970 Code §8-1-1)

7-1-2: **STREET AND SIDEWALK CONSTRUCTION; PAVING:**

- A. Pavement Construction; Permit and Fee: It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or

other public way, or to repair the same without first having secured a permit therefor. Applications for such permits shall be made to the Clerk and shall state the location of the work, its nature, the extent thereof, and the person who is to do the actual work. No such permit shall be issued except on order of the Board of Trustees. The fee for all such permits shall be one dollar (\$1.00). (1970 Code §§8-1-2, 8-1-3)

- B. **Bond Required:** Each applicant shall file a bond in the amount of fifty thousand dollars (\$50,000.00), with security to be approved by the Board, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken or the manner of doing the same. (1970 Code §8-1-4; 1995 Code)
- C. **Specifications:** All street and sidewalk pavements shall be made in conformity with specifications and grades laid down or approved from time to time by the Board. (1970 Code §8-1-5)

7-1-3: INJURY TO PAVEMENTS:

- A. **New Pavements:** It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade or to knowingly injure any soft newly made pavement. (1970 Code §8-1-6)
- B. **Existing Pavements:** It shall be unlawful to injure any sidewalk, street or alley pavement. (1970 Code §8-1-21)

7-1-4: REPAIRS: All public street, alley and sidewalk pavements shall be in good repair. Such repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Superintendent of Public Works. (1970 Code §8-1-7)

7-1-5: REPORT DEFECTS: It shall be the duty of every Village officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works as soon as possible. (1970 Code §8-1-8)

7-1-6: **OBSTRUCTIONS:** It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the Chief of Police. (1970 Code §8-1-9)

7-1-7: **VISION CLEARANCE AT CORNERS:** It shall be unlawful to construct or maintain or permit to reconstruct any fence or other structure, or any bushes or other plants, on a corner lot either way from fifty feet (50') of the corner which obstructs the view, at a height of more than five feet (5') above the level of the adjacent street pavement. (1970 Code §8-1-10; 1995 Code)

7-1-8: **DEFECTIVE OR DANGEROUS SIDEWALKS:**

A. Nuisance Declared: Every sidewalk within the Village which shall, from breakage therein, natural wear or age, become so worn or out of repair as to endanger the safety of persons passing over the same is hereby declared to be a nuisance; and any person who shall hereafter suffer or permit such nuisance to exist in front of or adjoining premises owned, occupied or controlled by him shall be guilty of a violation of this Chapter. (1970 Code §8-1-11)

B. Abatement:

1. It shall be the duty of any owner, occupant or person in control of any lot or premises abutting upon or adjacent to any sidewalk wherein exist any holes, loose planks or other defects, or when the same is deemed to be a nuisance, to repair such defects and abate such nuisance without delay.

2. Whenever any owner is in default of the duty imposed by subsection B1 of this Section, it shall be the duty of the Superintendent of Public Works to repair such defects or abate such nuisance; and the Board of Trustees may, by ordinance, provide for pavement of the whole or any part thereof, and defray the cost thereof by special taxation of the lots or parcels of land adjoining such sidewalk. (1970 Code §8-1-12)

7-1-9: SNOW AND ICE REMOVAL FROM SIDEWALKS: Every owner or occupant of any dwelling house or other building, or proprietor or lessee of any enclosed lot or premises, and every person having the charge or control of any church, hall or public building within the Village shall, during the winter season whenever there is a fall of snow, and by ten o'clock (10:00) A.M. on every morning thereafter, clear the sidewalks in front of or adjoining such house, building or premises from snow and ice, and keep the same conveniently free therefrom. In case the snow and ice are so congealed as not to be removed without difficulty or injury to the pavement, such person shall strew the same with ashes, sand, salt or sawdust; and shall in addition at all times keep such sidewalks clear and free from dirt, filth, weeds or other obstructions so as to allow pedestrians the safe and unobstructed use of the same; and every owner, occupant or other person aforesaid who shall permit or allow such sidewalks to be or remain covered with snow or other obstructions, contrary to the provisions of this Section, shall be deemed guilty of maintaining a nuisance; provided however, that no person shall be obliged to clear any such sidewalk on Sunday or during the continuance of any snow storm. (1970 Code §8-1-13)

7-1-10: ALLEYS AND GUTTERS KEPT CLEAN: It shall be the duty of every person owning, occupying or in control of any lot or parcel of land adjoining any public or private alley within the Village to keep the same cleaned and in an unoffensive condition, and also to keep the gutter in front of such premises free from filth or other offensive matter that may prevent the free flow of water therein. (1970 Code §8-1-14)

7-1-11: SPITTING ON SIDEWALKS: It shall be unlawful for any person to spit upon any public sidewalk within the Village. (1970 Code §8-1-15)

7-1-12: CELLAR DOORS, OPENINGS IN SIDEWALKS:

- A. **Covering Required:** Every cellar door, basement entrance or other like aperture or opening over any vault, cistern and every well, ditch or other like pit or hole on or adjoining any sidewalk within the Village shall be covered with a substantial grate or plate, and the construction of all such vaults under the public ways shall be subject to the direction and supervision of the Superintendent of Public Works.

- B. **Leaving Cover Open:** It shall be unlawful for any person to leave open or permit to be left open any such grate or plate over any cellar, vault, etc., without securing or protecting the same, so as to endanger the safety of persons or animals passing thereupon.
- C. **Construction; Permit Required:** Such grates or plates as provided for in subsection A must be made of steel or iron having a rough surface and rabbeted into or made flush with the sidewalk. No portion or feature of such cover shall project above or form a depression below the finished surface of the sidewalk in which such cover is placed. Such covers shall be capable of supporting a load of not less than three hundred (300) pounds per square foot of area. Provided, that no sidewalk to accommodate cellars or vaults beneath shall be constructed without a permit therefor issued by the Board of Trustees, and all such work shall be performed to the satisfaction of the Superintendent of Public Works and the Village Engineer. (1970 Code §8-1-16; 1995 Code)

7-1-13: BARRICADES AND LIGHTS:

- A. **Required:** Any person laying or repairing any pavement on a street, sidewalk or other public place or making any excavation in any such place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Such barricades shall be protected by a light at nighttime. (1970 Code §8-1-17)
- B. **Disturbing Barricades:** It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk. (1970 Code §8-1-18)

7-1-14: ENCROACHMENTS: It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property. (1970 Code §8-1-20)

7-1-15: DEPOSITS ON STREETS AND SIDEWALKS:

A. Streets:

1. It shall be unlawful to deposit on any street or alley any material which may be harmful to the pavement thereof or any waste

material, or any glass or other articles which may do injury to any person, animal or property.

2. Any such material shall be guarded by lights if the same remains upon any street after nighttime. (1970 Code §8-1-22; 1995 Code)

B. Sidewalks:

1. It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof, or any waste material which might cause injury to persons, animals or property.

2. Merchandise or other articles may be deposited on sidewalks preparatory to delivery; provided, that the useable width of the walk is not thereby reduced to less than four feet (4') at that point; and provided, that no such article shall remain on such walk for more than one-half ($\frac{1}{2}$) hour.

3. Any such article shall be guarded by lights if the same is upon any sidewalk after nighttime. (1970 Code §8-1-23)

7-1-16: **OBSTRUCTING DRAINS:** It shall be unlawful to obstruct any drain in any public street or alley. (1970 Code §8-1-24)

7-1-17: **MAINTAINING POLES AND WIRES:** It shall be unlawful to erect or maintain any poles or wires on or over any public street, alley or other public way without having first secured permission from the Board of Trustees. (1970 Code §8-1-25)

7-1-18: **GAS PUMP PROHIBITED:** It shall be unlawful to maintain or erect any pump or tank in any public street, alley or sidewalk. (1970 Code §8-1-26)

7-1-19: **PLAYING GAMES RESTRICTED:** It shall be unlawful to play any games upon any street, alley or sidewalk, where such games cause unnecessary noise or interfere with traffic or pedestrians. (1970 Code §8-1-32)

CHAPTER 2
EXCAVATIONS

SECTION:

- 7-2-1: Permit Required; Restoration
 7-2-2: Bond Required
 7-2-3: Record of Excavations
 7-2-4: Water Connections

7-2-1: PERMIT REQUIRED; RESTORATION:

- A. **Permit and Application:** It shall be unlawful to make any excavations in or tunnel under any public street, alley or sidewalk or other public place in the Village without having first secured a permit therefor. Applications for such permits shall be made to the Superintendent of Public Works, and shall specify the intended location and the purpose of the excavation.
- B. **Restoration of Surface:** Any person making any such excavation shall refill the same properly and shall restore the surface to its condition before excavation was made, as soon as possible. (1970 Code §8-1-27)

7-2-2: BOND REQUIRED: Each applicant for excavation permit shall file a bond in the amount of fifty thousand dollars (\$50,000.00), with security to be approved by the Superintendent, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken or the manner in doing the same. (1970 Code §8-1-28; 1995 Code)

7-2-3: RECORD OF EXCAVATIONS: The Superintendent of Public Works shall keep a record in a book for that purpose, giving the date when, by whom an excavation or tunnel was made, and connection made with water mains or public sewer, when completed, the date of

7-2-3

7-2-4

inspection of connection made and approval by the Water and Sewer Inspector, and the date when the street, alley or sidewalk was restored and opened for public travel. (1970 Code §8-1-30)

7-2-4: **WATER CONNECTIONS:** All connections made to the public water system shall be made in the presence of the Water and Sewer Inspector, who shall see that the connection is made in the proper manner and after the same has been completed, if properly made, shall inspect and approve the same and thereafter the same shall be covered and the street restored to its original condition. (1970 Code §8-1-29; 1995 Code)

CHAPTER 3

DRIVEWAY CONSTRUCTION

SECTION:

- 7-3-1: Permit Required; Fee
- 7-3-2: Grade Surface
- 7-3-3: Construction Standards
- 7-3-4: Curb Removal; Permit and Fee
- 7-3-5: Repair of Driveways

7-3-1: **PERMIT REQUIRED; FEE:**

- A. **Permit, Application and Fee:** No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without obtaining a permit therefor. Applications for such permits shall be made to the Clerk and shall be accompanied by the fee required, which construction permit fee shall be five dollars (\$5.00).
- B. **Commercial Use:** No permit for the construction of a driveway for commercial use, or the habitual use of any other than the owner or occupant of the premises served, shall be issued except upon the order of the Board of Trustees. (1970 Code §§8-2-1, 8-2-2; 1995 Code)

7-3-2: **GRADE SURFACE:** No driveway shall be so constructed or graded as to leave a steep, 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 material as to render it slippery or hazardous for pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level. (1970 Code §8-2-3)

7-3-3: CONSTRUCTION STANDARDS:

- A. All driveways leading from the street to the garages or parking areas must be dust free, or of blacktop or concrete construction.
- B. Where Village curbs are removed for purposes of making driveway entrance, the curb and gutter must be removed as far away from the driveway entrance as the nearest contraction or expansion joint, or a sawed joint, and then replaced so as to insure a smoothly joining entrance.
- C. The radius of the return of the driveway must be five feet (5'). (1970 Code §8-2-4)

7-3-4: CURB REMOVAL; PERMIT AND FEE: No Village curb can be removed without first obtaining a curb removal permit from the Superintendent of Public Works. The fee shall be five dollars (\$5.00). (1970 Code §8-2-4; 1995 Code)

7-3-5: REPAIR OF DRIVEWAYS: It shall be the duty of every person maintaining a driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings. (1970 Code §8-2-5)

CHAPTER 4

FENCES

SECTION:

- 7-4-1: Permit Required; Fee
 7-4-2: Barbed Wire and Electric Fences
 7-4-3: Construction and Location Requirements
 7-4-4: Swimming Pool Fencing Regulations

7-4-1: **PERMIT REQUIRED; FEE:** No fence shall be constructed within the corporate limits of the Municipality without first obtaining a permit for such purpose from the Village and payment of a fee of five dollars (\$5.00). (Ord. 311, 8-8-83; 1995 Code)

7-4-2: **BARBED WIRE AND ELECTRIC FENCES:**

- A. It shall be unlawful to maintain or construct any fence, in whole or in part, of barbed wire, or with any material designed to cause harm or injury to persons.
- B. In commercial installations, two (2) strands of barbed wire may be used atop a chained link fence eight feet (8') in height.
- C. The use of any electrified fence is prohibited. (Ord. 311, 8-8-83)

7-4-3: **CONSTRUCTION AND LOCATION REQUIREMENTS:**

- A. **Height Restriction:** No fence shall be constructed or maintained within the corporate limits of the Municipality more than six feet (6') in height, except in special cases where a special use permit has been approved.
- B. **Consent of Adjacent Property Owners:** A fence may be constructed on the property line, with the consent, in writing, of the adjacent

property owners, except as set forth in subsection E of this Section. If approval of adjacent property owners is not received, the property owner must observe a one foot (1') setback from the property line or have obtained a special use permit. Applications for special use permits shall be judged individually.

- C. **Side and Back Yards:** For purposes of this Chapter, fencing for side and back yards shall terminate parallel to the front of the existing residence.
- D. **Front Yards:** Maximum four foot (4') front yard fencing is allowed with approval of adjacent property owners, and a special use permit must be approved.
- E. **Residential Properties, Setback:** Fencing for residential properties shall observe a setback of one foot (1') from all property lines when those lines are contiguous with public property, e.g., streets, alleys, parks, parkways, etc.
- F. **Unusual Circumstances; Special Use Permit:** In any circumstances not covered by the above subsections, a special use permit must be applied for. (Ord. 311, 8-8-83)

7-4-4: SWIMMING POOL FENCING REGULATIONS:

A. Definitions:

FAMILY POOL: A swimming pool or wading pool used or intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it without payment of any fee.

SWIMMING POOL/WADING POOL: A body of water in an artificial or semi-artificial receptacle or other container intended to be used for public, semi-public or private swimming by adults or children or both adults and children, and also portable or temporary type pools or plastic, rubberized cloth or similar materials, installed whether above or below ground elevation over thirty six inches (36") in length.

- B. **Private Pools:** Private pools shall be permitted as an accessory use, provided they meet the following requirements:

1. No swimming pool shall be located on an easement.
2. For the protection of the general public, all swimming pools shall have a surrounding protective barrier to be not less than forty eight inches (48") above ground level with this barrier or fence to be not less than thirty six inches (36") from the swimming pool itself. The fence must be of chain link or wire material with the opening in the fence not to exceed three inches (3"). Also the fence may be a wooden type privacy fence.
3. Pools that have surrounding decks with attached fences with the deck width not less than six inches (6") from the surface of the pool and which can be secured from access when not in use are exempt from having a fence around the pool.

C. Existing Pools, Compliance:

1. Any person owning a swimming pool without a surrounding protective barrier (fence) in existence at the time of the effective date of this Section shall have ninety (90) days to meet the requirements set in this Section.
2. Any person owning a swimming pool that has a surrounding protective barrier (fence) but such fence does not meet the requirements of this Section shall have ninety (90) days to meet such requirements.

D. Penalty: Any person violating the provisions of this Section shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 335, 7-3-89; 1995 Code)

CHAPTER 5
TREES AND SHRUBS

SECTION:

- 7-5-1: Planting Prohibited
- 7-5-2: Attaching Items to Trees or Shrubs
- 7-5-3: Trimming Dangerous Trees
- 7-5-4: Excavations; Injury to Tree Roots
- 7-5-5: Dutch Elm Disease
- 7-5-6: Noxious Weeds; Poison Ivy

7-5-1: **PLANTING PROHIBITED:** It shall be unlawful to plant any tree or bush in any public place, street or parkway within the Village, including those portions of streets or roadways not used for traffic purposes and lying between the adjacent property line and the curb line. (1970 Code §8-3-1)

7-5-2: **ATTACHING ITEMS TO TREES OR SHRUBS:**

- A. **Advertisements or Notices:** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub now growing in any such public place, street or parkway. (1970 Code §8-3-2)
- B. **Wires:** It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Board of Trustees. Any person who maintains poles and wires in the streets, alleys or other public places shall, in the absence of provisions in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places so far as may be possible, and shall keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the Superintendent of Public Works, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact. (1970 Code §8-3-4)

7-5-3: TRIMMING DANGEROUS TREES:

- A. Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel 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.
- B. Any tree or limb of a tree which has become likely to fall on or across any public way shall be removed by the owner of the premises on which such tree grows or stands.
- C. The Superintendent of Public Works may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with. (1970 Code §8-3-3)

7-5-4: EXCAVATIONS; INJURY TO TREE ROOTS: In making excavations in streets or other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible. (1970 Code §8-3-5)

7-5-5: DUTCH ELM DISEASE:

- A. Nuisance Declared: Trees of all species and varieties of elms, zelkeva and planera affected with the fungus *Ceratostomella ulmi*, as determined by laboratory analysis, are hereby declared to be public nuisances.
- B. Preserving Nuisance Prohibited: It shall be unlawful for any person owning property whereon a public nuisance as described above is situated to possess, keep or preserve such nuisance.
- C. Notice to Abate: The President shall give to the owner of premises where a public nuisance described in this Section is found written notice of the existence of such nuisance, requiring the removal and burning of the same within thirty (30) days following such notice, such removal and burning to be done under the direction and supervision of the Superintendent of Public Works. (1970 Code §8-3-6)

7-5-6: NOXIOUS WEEDS; POISON IVY:

- A. **Notice to Remove:** No owner, lessee, occupant or agent, servant or employee of such owner, lessee or occupant, being in control of any lot, piece or parcel of land within the Village shall knowingly allow, permit or maintain on any such lot, piece or parcel of land any growth of poison ivy or other noxious weed or plant, whereby the health of the public or any person lawfully upon or passing by such lot, piece or parcel of land may be endangered, under a penalty as provided in Section 1-4-1 of this Code for each day such poison ivy or other noxious weed aforesaid shall be allowed or permitted to be or remain growing upon any such lot, piece or parcel of land after notice by the Health and Sanitation Officer to such owner, lessee or occupant, or to such agent, servant or employee to remove, eradicate or destroy the same.
- B. **Removal by Village; Costs a Lien:** Whenever the owner or person in control of any such premises fails to remove or destroy such poison ivy, etc., within a period of five (5) days after receipt of notice to so remove, the Health and Sanitation Officer shall cause such poison ivy, etc., to be destroyed, and any expense incurred by the Village in so doing, in the amount of fifty dollars (\$50.00) per hour, one hour minimum charge, shall be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens. (1970 Code §8-3-7; 1995 Code)

CHAPTER 6
WATER REGULATIONS

SECTION:

- 7-6- 1: Department Established; Employees
- 7-6- 2: Application For Water; Deposit
- 7-6- 3: Connection Required
- 7-6- 4: Water Rates
- 7-6- 5: Rendition Of Bills; Delinquency
- 7-6- 6: Meters
- 7-6- 7: Rules And Regulations
- 7-6- 8: Village Not Liable For Damage Or Injury
- 7-6- 9: Obstructing Access Prohibited
- 7-6-10: Unauthorized Turn On Or Use Prohibited
- 7-6-11: Access To Premises
- 7-6-12: Connection To Separate Premises
- 7-6-13: Water For Building Or Construction Purposes; Permit
- 7-6-14: Suspension Of Water For Fountains, Lawn Sprinkling
- 7-6-15: Tampering With Fixtures, Appurtenances
- 7-6-16: Unlawful Use Of Water
- 7-6-17: Turning Off Water For Violation Or Nonpayment; Costs
- 7-6-18: Cross Connection Control

7-6-1: **DEPARTMENT ESTABLISHED; EMPLOYEES:** There is hereby established an executive department of the village to be known as the waterworks department, and there shall be placed in charge of the department the superintendent of public works who may appoint an employee to serve as superintendent of water. The superintendent shall perform duties under the direction of the superintendent of public works and the president and the board of trustees and shall post bond and receive such compensation as the board of trustees from time to time determines. (1970 Code §8-5-1; amd. 1995 Code)

7-6-2: **APPLICATION FOR WATER; DEPOSIT:** No water shall be turned on for use on or in any premises until an application therefor in writing has been made for that purpose and filed with the clerk of

the village, stating the purpose for which the water is to be used. The applicant for water shall deposit fifty dollars (\$50.00) before any water is turned on. Such deposit shall be held by the village as security for the payment of water used by the applicant and may be so applied when any default is made in payment of a water bill. The water deposit shall be refunded to the applicant at such time as when the applicant shall have paid his water charges within the time stated on the billing for twenty four (24) consecutive months. (1970 Code §8-5-2; amd. Ord. 228, 12-19-1973; Ord. 264, 4-16-1979; Ord. 453, 11-10-2008)

7-6-3: CONNECTION REQUIRED:

- A. **Connection When Water Available:** The owner of all houses, buildings or other properties used for human occupancy, employment, business, recreation or other purpose within the purview, abutting on any street, alley or right of way in which there is now located or may in the future be located a water main facility belonging to the village, is hereby required to connect to such water main in accordance with the provisions of this code, within one year of either the passage hereof or the date when such public water main facility is available for use to such properties mentioned, whichever last occurs, and thereafter all properties shall be immediately connected with said water main facility; provided, however, that said water main is available within two hundred feet (200') of the property line of such property. (1970 Code §8-5-19)
- B. **No Charge For New Main Connections:** No charge will be made for the connection of new mains to the existing municipal water distribution system. (Ord. 259, 3-19-1979)

7-6-4: WATER RATES:

A. **Rates Established:**

For the first 3,000 gallons per month	
May 1, 2009 – 2010	\$14.50
For the next 2,000 gallons per month	1.20 per 1,000
For the next 1,500 gallons per month	1.15 per 1,000
Over 6,500 gallons per month	1.05 per 1,000

(Ord. 447, 3-5-2007)

- B. **Debt Service Charge:** In addition to the user water rate charges, there is hereby established effective April 1, 2010, a debt service charge of ten dollars (\$10.00) for each connection to the water facility.

All revenues and money derived from the debt service charge shall be deposited in a debt service charge account, and held by the village treasurer separate and apart from other village funds. The funds shall be used only for the purposes of repayment of debts due and owing to state or federal agencies for loans acquired for waterworks improvements.

The IEPA and/or USEPA or its authorized representative shall have access to any books, documents, paper and records of the village which are applicable to the village's system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state grant, and/or loan agreement and rules of any state loan. (Ord. 459, 3-8-2010)

- C. **Free Service For Senior Citizens:**

1. As of February 6, 2001, water service shall be provided free of charge to those residents of the village who are sixty five (65) years of age or older, and whose total fixed monthly income is one thousand dollars (\$1,000.00) or less. (Ord. 411, 3-5-2001; amd. Ord. 459, 3-8-2010)

2. Water will be provided free of charge up to, but not in excess of, three thousand (3,000) gallons per month. Those persons who qualify will be responsible to pay for water used in excess of three thousand (3,000) gallons per month at the applicable rate. (Res. 257, 5-4-1979; amd. 1995 Code; Ord. 459, 3-8-2010)

- D. **Village Authority To Change Rates:** The village reserves the right to make such reasonable changes in rates and in conditions herein established and to establish further rules and regulations from time to time as may be found expeditious or necessary. (1970 Code §8-5-9; amd. Ord. 459, 3-8-2010)
- E. **Responsibility For Payment:** Responsibility for payment for water consumed prior to the date of service termination or account transfer shall be with the property owners as well as the user. (Ord. 423, 9-8-2003; amd. Ord. 459, 3-8-2010)

7-6-5: **RENDITION OF BILLS; DELINQUENCY:** Bills for water service shall be rendered monthly and shall be delinquent fifteen (15) days after their rendition, and in the event of failure to pay the bills within said fifteen (15) day period, an additional charge of ten percent (10%) shall be added to the bill¹. (Ord. 360, 4-6-1992)

7-6-6: **METERS:**

- A. **Meters Required:** All water consumers supplied by the village shall be supplied through meters only and shall pay for the water at the rates and in the manner hereinafter specified. (1970 Code §8-5-5)
- B. **Placement:** Water meters shall be placed so that they are readily accessible to repair, replacement and reading, said placement being subject to inspection by the building inspector. (Ord. 259, 3-19-1979)
- C. **Faulty Meters:** Whenever any meter, by reason of its being out of repair, or for any cause fails promptly to register the water passing through the same, the consumer shall be charged at the rate shown of the corresponding time of the previous year under like conditions. If no record of the previous year exists, then it shall be the duty of the superintendent of water to estimate or determine so far as he can the amount of water consumed during the time such meter fails to operate, and the consumer shall pay the amount so estimated. (1970 Code §8-5-6)
- D. **Meter For Multiple Dwellings:** In all cases where one service pipe supplies two (2) or more separate consumers in a building, one meter may be placed at the service connection for either or all of the said consumers and the water rent, as registered by such meters, shall be charged to and be payable by the owner of such premises or building. (1970 Code §8-5-16)

7-6-7: **RULES AND REGULATIONS:** The following rules and regulations for plumbers and consumers of water are hereby adopted and established:

- A. **Application For Service:** No water shall be furnished or supplied to any consumer for any purpose whatever until such consumer shall

1. See section 7-6-17 of this chapter for turnoff for nonpayment of bill.

make application therefor. Such application shall state the location of the premises to be served and the use to which the water will be put.

- B. **Permit Required:** No water consumer may supply water to other families or allow them to take water, except for use on the premises and for the purpose specified in the 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 the work upon the premises for alterations, repairs, extensions or attachments without a written permit therefor to be issued by the superintendent of water.

- C. **Village Right To Shut Off Water; Nonliability:** The village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the village in case of fire; and for restricting the use of the water in case of deficiency in supply. No claim shall be made against the village by reason of breaking of any service pipe or service cock or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of the water system, or from failure of the water supply or by increasing the water pressure at any time, or from concentration or restricted use of water as above. (1970 Code §8-5-12)

7-6-8: **VILLAGE NOT LIABLE FOR DAMAGE OR INJURY:** All connections and water applied for hereunder, and all the water used hereunder, shall be upon the express condition that the village shall not be liable, nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with said system or plant, or any part or portion of said plant, or for any interruption of the supply by reason of the breakage of machinery or by reason of stoppage, alterations, extensions or renewals. (1970 Code §8-5-7)

7-6-9: **OBSTRUCTING ACCESS PROHIBITED:** No person shall in any manner obstruct the access to any stop cock, hydrant or valve or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of said water system, nor pile or place any lumber, brick or building material or other article, thing or hindrance whatsoever within twelve feet (12') of the same, or so as to in any manner hinder, delay or obstruct the members of the fire department to reach the same. It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in the water system, reservoir or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shut-off box, public fountain, valve, engine or building connected with said water system or plant or to cause, suffer or permit any of said things to be done. (1970 Code §8-5-3)

7-6-10: **UNAUTHORIZED TURN-ON OR USE PROHIBITED:** No person not duly authorized shall turn the water on at any fire hydrant or service cock or use water therefrom when so turned on, and the person so using or wasting water in such unlawful manner shall be liable to pay for the same. (1970 Code §8-5-4)

7-6-11: **ACCESS TO PREMISES:** The village and its employees shall have ready access to the premises, places or buildings where meters are located for the purpose of reading, examining, testing and repairing the same and examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with, prevent or obstruct the village or its duly authorized agent in its duties hereunder. Every consumer of said water shall take the same upon the conditions prescribed in this chapter. (1970 Code §8-5-8)

7-6-12: **CONNECTION TO SEPARATE PREMISES:** No owner or plumber shall be permitted to conduct water pipes into any two (2) distinct premises or tenements unless separate and distinct stopcocks shall be placed on the outside of such premises along the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. (1970 Code §8-5-14)

7-6-13: **WATER FOR BUILDING OR CONSTRUCTION PURPOSES; PERMIT:** Persons desiring to use village water for building or construction purposes shall make application therefor in writing and file the same in the office of the clerk on a form provided for that purpose. Upon a permit being granted, which permit shall be issued in writing and signed by the superintendent of water, 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 said surface. When the building or construction work is completed, the faucet and meter shall be removed and the water shut off, unless permanent connection hereunder is made. Charge for the use and connecting of meters shall be as prescribed hereafter by the president and board of trustees. (1970 Code §8-5-11)

7-6-14: **SUSPENSION OF WATER FOR FOUNTAINS, LAWN SPRINKLING:** The right is reserved to suspend the use of lawn fountains and hose for sprinkling lawns and gardens whenever, in the opinion of the president and board of trustees, the public exigencies require. (1970 Code §8-5-15)

7-6-15: **TAMPERING WITH FIXTURES, APPURTENANCES:** It shall be unlawful for any person to tamper with, change or alter any water meter, valve, pipe, fire hydrant, meter box or any apparatus in connection with the waterworks system in the village at any time; provided,

however, that this Section shall not apply to the installing, repairing, altering or changing of the private plumbing system or fixtures installed privately on private property, and also shall not apply to pipes leading from property lines to meter boxes, and it shall be unlawful for any person to turn on any water valve, meter or water connection for the purposes of obtaining water service to his property or the property of any other person. (1970 Code §8-5-17)

7-6-16: UNLAWFUL USE OF WATER: It shall be unlawful for any person to receive and obtain water service on or for his property or on or for property under his control until said water has been turned on by the proper official, employee or officer of the Village. (1970 Code §8-5-18)

7-6-17: TURNING OFF WATER FOR VIOLATION OR NON-PAYMENT; COSTS:

- A. For the violation of any of the foregoing rules and/or for the nonpayment of water bills, the Village reserves the right to turn off the water ten (10) days after official notice of delinquency has been issued, and to charge a fee of fifty dollars (\$50.00) for shutting off such delinquent water service during normal working hours (8:00 A.M. to 3:30 P.M. weekdays) and to forfeit any payments made. No water service which has been shut off due to violation of any rules or nonpayment will be restored after normal working hours, and on weekends or holidays.
- B. After the water has been turned off from any service pipe on account of nonpayment of water bills or violation of the rules hereof, the same shall not be turned on again until all delinquent bills and penalties are paid, together with the expense of turning off and on such meter, which shall be the sum mentioned above.
- C. No water shall be furnished to any person who is indebted to the Village on account of water consumed, material or repairs. An additional penalty as provided by Section 1-4-1 of this Code will be assessed on any person tampering with, removing or breaking any shut-off seal placed by the Village. (Ord. 402, 3-6-2000)

7-6-18: CROSS-CONNECTION CONTROL:

- A. **Notice To Customer To Install Backflow Prevention Device:** If in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will 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 and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations.
- B. **Approval Of Water Supply:** No person shall establish or permit to be established or maintain or permit to be maintained by connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village enters the supply or distribution system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency.
- C. **Surveys And Investigations:** It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years or as often as the Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.
- D. **Right Of Entry For Inspection:** 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 of South Pekin for the purpose of verifying the presence or absence of cross-connections, and the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of South Pekin for the purpose of verifying the information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent of Water any information which

he may request regarding the piping system or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this Section.

- E. **Discontinue Service For Violation:** The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connections in violation of the provisions of this Section 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 eliminated or corrected in compliance with the provisions of this Section, and until a reconnection fee of fifty dollars (\$50.00) is paid to the Village. Immediate disconnection with verbal notice shall be enforced when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.
- F. **Responsibility For Cost Of Cleanup:** 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 cleanup of the potable water supply system. (Ord. 347, 7-2-1990, eff. 7-2-1990; amd. 1995 Code)

CHAPTER 7

WASTE WATER SERVICE CHARGES

SECTION:

7-7- 1:	Definitions
7-7- 2:	General Provisions
7-7- 3:	Access To Records
7-7- 4:	Basis For Service Charges
7-7- 5:	Measurement Of Flow
7-7- 6:	Waste Water Service Charges
7-7- 7:	Computation Of Waste Water Service Charge
7-7- 8:	Appeals
7-7- 9:	Effective Date Of Rates
7-7-10:	Penalty

7-7-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

Clarification of word usage: "Shall" is mandatory; "may" is permissible.

ADMINISTRATOR: The Administrator of the U.S. Environmental Protection Agency.

APPROVING AUTHORITY: The Superintendent of the Department of Water and Sanitation.

BOD (Denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

BASIC USER CHARGE: The basic assessment levied on all users of the public sewer system.

BUILDING DRAIN:	That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.
BUILDING SEWER:	The extension from the building drain to the public sewer or other place of disposal.
CAPITAL IMPROVEMENT CHARGE:	A charge levied on users to improve, extend or reconstruct the sewage treatment works.
COMBINED SEWER:	A sewer which is designed and intended to receive waste water, storm, surface and ground water drainage.
CONTROL MANHOLE:	A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village, representative to sample and/or measure discharges.
DEBT SERVICE CHARGE:	The amount to be paid each billing period for payment of interest, principal and coverage of loan, bond, etc., outstanding.
DIRECTOR:	The Director of the Illinois Environmental Protection Agency.
EASEMENT:	An acquired legal right for the specific use of land owned by others.
EFFLUENT CRITERIA:	Are defined in any applicable "NPDES permit".
FEDERAL ACT:	The Federal Clean Water Act (33 USC 466 et seq.) as amended, (Pub. L. 95-217).
FEDERAL GRANT:	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.
FLOATABLE OIL:	Oil, fat, or grease in a physical state such that it will separate by gravity from waste water by treatment in an approved pretreatment facility. A waste water shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection system.
GARBAGE:	Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of food.
INDUSTRIAL WASTE:	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.
LOCAL CAPITAL COST CHARGE:	Charges for costs other than the operation, maintenance and replacement costs, i.e., debt service and capital improvement costs.
MAJOR CONTRIBUTING INDUSTRY:	An industrial user of the publicly owned treatment works that: a) has a flow of fifty thousand (50,000) gallons or more per average work day; or b) has a flow greater than ten percent (10%) of the flow carried by the Municipal system receiving the waste; or c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or d) is found by the permit issuant 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.

MILLIGRAMS PER LITER:	A unit of the concentration of water or waste water constituent. It is 0.001 grams of the constituent in one thousand milliliters (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 and waste water analysis.
NPDES PERMIT:	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.
NATURAL OUTLET:	Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
ppm:	Parts per million by weight.
PERSON:	Any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
pH:	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.
POPULATION EQUIVALENT:	A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.
PRETREATMENT:	The treatment of waste waters from sources before introduction into the waste water treatment works.

**PROPERLY
SHREDDED
GARBAGE:**

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 sewers, with no particle greater than one-half inch ($\frac{1}{2}$ " (1.27 centimeters) in any dimension.

PUBLIC SEWER:

A sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

REPLACEMENT:

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful 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.

SANITARY SEWER:

A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or polluted industrial wastes are not intentionally admitted.

SEWAGE:

Is used interchangeably with "waste water".

SEWER:

A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

SEWERAGE:

The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

SEWERAGE FUND:

The principal accounting designation for all revenues received in the operation of the sewerage system.

SLUG:	Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of low 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.
STATE ACT:	The Illinois Anti-Pollution Bond Act of 1970.
STATE GRANT:	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 the State of Illinois.
STORM SEWER:	A sewer that carries storm, surface and ground water drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
STORM WATER RUNOFF:	That portion of the precipitation that is drained into the sewers.
SURCHARGE:	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 the concentration values established in chapter 00, article III.
SUSPENDED SOLIDS (SS):	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 IEPA Division of Laboratories Manual of Laboratory Methods.
UNPOLLUTED WATER:	Water 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 sewers and waste water treatment facilities provided.

USEFUL LIFE:	The estimated period during which the collection system and/or treatment works will be operated.
USER CHARGE:	A charge levied on users of treatment works for the cost of operation, maintenance and replacement.
USER CLASS:	The type of user "residential", "institutional/governmental", "commercial", or "industrial" as defined herein.
Commercial User:	Shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.
Industrial Users:	Shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.
Institutional/ Governmental User:	Shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.
Residential User:	All dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.
VILLAGE:	The Village of South Pekin.
WASTE WATER:	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 ground water, surface water, and storm water that may be present.
WASTE WATER FACILITIES:	The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

WASTE WATER SERVICE CHARGE:	The charge per quarter or month levied on all users of the waste water facilities. The service charge shall be computed as outlined in chapter 00, article II and shall consist of the total or the basic user charge, the local capital cost and a surcharge, if applicable.
WASTE WATER TREATMENT WORKS:	An arrangement of devices and structures for treating waste water, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "waste water treatment plant" or "pollution control plant".
WATER QUALITY STANDARDS:	Are defined in the Water Pollution Regulations of Illinois.
WATERCOURSE:	A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 389, 9-8-1997)

7-7-2: GENERAL PROVISIONS:

- A. Bills: Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

Bills for sewer service shall be sent out by the Village Treasurer on the first day of the month or quarter succeeding the period for which the service is billed.

All sewer bills are due and payable ten (10) days after being sent out. A penalty of fifteen percent (15%) shall be added to all bills not paid by the thirtieth day after they have been rendered.

- B. Delinquent Bills: If the charges for such services are not paid within forty five (45) days or forty five (45) days herein above mentioned after the rendition of the bill for such services, such services shall be

discontinued without further notice and shall not be reinstated until all claims are settled.

- C. **Lien-Notice Of Delinquency:** Whenever a bill for sewer service remains unpaid for sixty (60) days for monthly service or sixty (60) for quarterly service after it has been rendered, the Village Treasurer 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 Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, whenever such bill remains unpaid for the period forty five (45) days for a monthly bill or one hundred five (105) days for a quarterly bill after it has been rendered.

The failure of the Village Treasurer 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 bills as mentioned in the foregoing Section.

- D. **Foreclosure Of Lien:** Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty five (45) days in the case of a quarterly bill after it has been rendered.
- E. **Revenues:** All revenues and monies derived from the operation of the sewerage system shall be deposited in the sewerage account of the Sewerage Fund. All such revenues and monies shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Village Board.

The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and monies 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 "Sewerage Fund of the Village".

Said Treasurer shall administer such Fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act", effective January 1942.

- F. **Accounts:** The Village Treasurer shall establish a proper system and accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the waste water facilities, including a replacement cost, to indicate that sewer service charges under the waste 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:

1. Flow data showing total gallons received at the waste water plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number on nonmetered users.
6. A list of users discharging nondomestic and industrial wastes and volume of waste discharged. (Ord. 389, 9-8-1997)

7-7-3: **ACCESS TO RECORDS:** The IEPA, USEPA or its authorized representative all have access to any books, documents, papers and records of the Village which are applicable to the Village system or user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special

and general conditions to any State grant, Federal regulations and conditions of the Federal grant, loan agreement and rules of any State loan. (Ord. 389, 9-8-1997)

7-7-4: BASIS FOR SERVICE CHARGES: The waste water service charge for the use of and for service supplied by the waste water facilities of the Village shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.

A. Basic User Charge:

1. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters 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 milligrams per liter (200 mg/l).

b. A suspended solids content of two hundred forty milligrams per liter (240 mg/l).

2. The basic user charge shall be computed as follows:

a. Estimate the annual waste water volume, pounds of BOD and pounds of SS to be treated.

b. Estimate the projected annual revenue required to operate and maintain the waste water facilities, including a replacement fund for the year, for all works categories.

c. Proportion the estimated O, M & R costs to each user class by volume, BOD and SS.

d. Proportion the estimated O, M & R costs to waste water facility categories by volume, BOD and SS.

e. Compute costs per one thousand (1,000) gallons for normal domestic strength sewage. (Ord. 389, 9-8-1997)

B. Debt Service Charge: The debt service charge is computed by apportioning the annual debt service as a charge per one thousand (1,000) gallons.

- C. **Capital Improvement Charge:** The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per one thousand (1,000) gallons.
- D. **Surcharge:** A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (240 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the two hundred milligrams per liter (200 mg/l) and two hundred forty milligrams per liter (240 mg/l) concentrations for BOD and SS respectively.

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.

- E. **Review:** The adequacy of the waste water service charge shall be reviewed, not less often than annually, by certified public accountants for the Village in their annual audit report. The waste water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.
- F. **Notification:** The users of the waste water 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 waste water operation, maintenance and replacement. (Ord. 405, 6-30-2000)

7-7-5: 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 five hundred (500) gallons.

- A. If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or 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. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the superintendent. (Ord. 405, 6-30-2000)

7-7-6: WASTEWATER SERVICE CHARGES:

- A. **Basic User Charge:** There shall be and there is hereby established a basic user charge of two dollars ninety five cents (\$2.95) per one thousand (1,000) gallons of metered water consumption to be applied to all users to recover O,M&R costs.
- B. **Debt Service Charge:** There shall be and there is hereby established a debt service charge of eighteen dollars (\$18.00) to each user of the wastewater facility.
- C. **Capital Improvement Charge:** There shall be and there is hereby established a capital improvement charge of fifty cents (\$0.50) per one thousand (1,000) gallons to each user of the wastewater facility.
- D. **Flat Rate:** All nonmetered users of the wastewater facilities shall pay a flat rate of thirty two dollars thirty eight cents (\$32.38) per month. The flat rate charge consists of twelve dollars thirty eight cents (\$12.38) for O,M&R costs, eighteen dollars (\$18.00) for debt service costs and two dollars (\$2.00) for capital improvement costs. The flat rate charge will allow a maximum of four thousand (4,000) gallons per month. In the event use of the wastewater facilities is determined by the superintendent to be in excess of four thousand (4,000) gallons per month, the superintendent may require such flat rate users to install metering devices on the water supply or sewer main to measure the amount of service supplied.
- E. **Surcharge Rates:** The rates of surcharges for BOD and SS shall be as follows:

Per pound of BOD	\$0.38
Per pound of SS	0.32

- F. **Reduced Rates For Low Income Senior Citizens And Churches:** Those residents of the village who are sixty five (65) years of age or older, and whose total household monthly income is one thousand dollars (\$1,000.00) or less, and churches, shall not be charged the basic user charge or the capital improvement charge for the first three thousand (3,000) gallons per month, but shall be charged the debt service charge. Those persons who qualify will be responsible to pay all charges for sewer services in excess of three thousand (3,000) gallons per month at the applicable rate.
- G. **Commercial/Industrial Rates:** Any nonresidential user who uses in excess of ten thousand (10,000) gallons per month shall receive a ten percent (10%) reduction in the basic user charge and capital improvement charge for each one thousand (1,000) gallons over ten thousand (10,000) gallons used. (Ord. 416, 3-11-2002)
- H. **Responsibility For Payment:** Responsibility for payment for wastewater service charges incurred prior to the date of service termination or account transfer shall be with the property owners as well as the user. (Ord. 423, 9-8-2003)

7-7-7: COMPUTATION OF WASTEWATER SERVICE CHARGE:
The wastewater service charge shall be computed by the following formula:

$$CW = CD + Vu/1000 (CU + CC) + CS$$

Where CW = Amount of wastewater service charge (\$) per billing period
 CC = Capital improvement charge (see subsection 7-7-6C of this chapter)
 CD = Debt service charge
 Vu = Wastewater volume for the billing period
 CU = Basic user charge for operation, maintenance and replacement (see subsection 7-7-6A of this chapter)
 CS = Surcharges, if applicable (see subsection 7-7-6E of this chapter)

All charges herein shall be retroactive to first billings for sewer usage. (Ord. 416, 3-11-2002)

7-7-8: **APPEALS:** The method for computation of rates and service charges established for user charges in sections 7-7-4 through 7-7-7 of this chapter shall be made available to a user within ten (10) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the village board within forty five (45) days after notification of a formal written appeal outlining the discrepancies. (Ord. 389, 9-8-1997)

7-7-9: **EFFECTIVE DATE OF RATES:** The rates and service charges established for user charges in sections 7-7-4 through 7-7-7 of this chapter shall be effective as of the next fiscal year beginning 1998 and on bills to be rendered for the next succeeding month being February for monthly users and on bills to be rendered for the next succeeding quarter being April for quarterly users. (Ord. 389, 9-8-1997)

7-7-10: **PENALTY:** Any person, firm or corporation violating any provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense. (Ord. 389, 9-8-1997)

CHAPTER 8
PUBLIC SEWERS

SECTION:

- 7-8-1: Use Of Public Sewers Required
- 7-8-2: Private Sewage Disposal
- 7-8-3: Building Sewers And Connections
- 7-8-4: Use Of The Public Sewers
- 7-8-5: Protection Of Sewage Works From Damage
- 7-8-6: Powers And Authority Of Inspectors
- 7-8-7: Penalties

7-8-1: USE OF PUBLIC SEWERS REQUIRED:

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. 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.
- D. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right of way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect

such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') (33 meters) of the property line. (Ord. 388, 9-8-1997)

7-8-2: PRIVATE SEWAGE DISPOSAL:

- A. Where a public sanitary (or combined) sewer is not available under the provisions of subsection 7-8-1D of this Chapter the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of one hundred fifty dollars (\$150.00) shall be paid to the Village at the time the application is filed.
- C. 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.
- D. 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 one thousand seven hundred eighty (21,780) square feet.

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection 7-8-1D of this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the village.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the county health department.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 388, 9-8-1997)

7-8-3: BUILDING SEWERS AND CONNECTIONS:

- A. 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. (Ord. 388, 9-8-1997)

1. Additional Requirements:

a. Contractors:

(1) All individuals or entities contracted by village homeowners for the purpose of constructing, altering or repairing of any sewer line in the village of South Pekin shall register as a sewer contractor with the village. This shall include all individuals or entities who are contracted by homeowners for the installation of lateral lines from homeowner's house to the main village installed sewer lines.

(2) Any registrant shall complete and sign an application for sewer contractor registration form and checklist, copies of which are on file in the office of the village clerk. The applicant shall comply with those provisions as set forth in said registration and checklist forms.

(3) Failure of the sewer contractor to comply with the terms of the registration and checklist forms on file in the office of the village clerk can result in the homeowner not being allowed to connect to the villagewide sewer system until all requirements of the provisions of the said registration and checklist have been fully complied with by the homeowner. Failure of any sewer contractor to complete and comply with the terms and provisions of this subsection A1a and said checklist can result in the village seeking an injunction against the sewer contractor preventing further work in the village until compliance is made.

(4) No lateral connections shall be made to the villagewide system until final approval by the village.

(5) In addition to the above, any violation of this subsection A1a shall subject the violator to penalties and sanctions pursuant to section 1-4-1 of this code. (Ord. 407, 9-11-2000)

b. Inspection And Fee:

(1) Every person or entity that desires or is required to connect to the village sewer system shall have their connections examined by the sewer inspector. No connection shall be allowed until same is approved by the sewer inspector.

(2) Each resident or entity inspected by said sewer inspector shall pay a fee of twenty five dollars (\$25.00) per inspection, to be paid prior to each inspection required. Any person who is in violation of the terms of this subsection A1b shall be immediately disconnected from the villagewide sewer system and water supply until compliance is made with this subsection A1b, and in addition may be fined in accordance with section 1-4-1 of this code. (Ord. 408, 10-9-2000)

- B. 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.
- C. There shall be two (2) classes of building sewer permits: 1) for residential waste water service, and 2) to commercial, institutional/ governmental or industrial waste water service. In either case, the

owner or his agent shall make application on a special form furnished by the village.

- D. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of one hundred fifty dollars (\$150.00) for a residential or commercial building sewer permit shall be paid to the village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its waste water constituents, characteristics, and type of activity.
- E. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and waste water treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- F. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- G. 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.
- H. Old building sewers 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 chapter.
- I. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the "American Society Of Testing Materials, Water Pollution Control Federation Manual Of Practice No. 9", and "Standard Specifications For Water And Sewer Main Construction In Illinois" shall apply.

- J. Whenever possible, the building sewer shall be brought to the building at an elevation below the first floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with subsection B of this section, and discharged to the building sewer.

- K. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- L. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- M. The applicant for the building sewer permit shall notify the Superintendent 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.
- N. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. (Ord. 388, 9-8-1997)

7-8-4: USE OF THE PUBLIC SEWERS:

- A. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. 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.

3. 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.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. 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 sewers 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 sewers, materials of construction of the sewers, 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:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).

2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty degrees Fahrenheit (150°F) (0 and 65°C).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
5. 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 Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent 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.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any wastes or waters having a pH in excess of 9.5.
9. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.
10. Any cyanide at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.
11. Materials which exert or cause:
 - a. Unusual concentrations of 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);

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

d. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

12. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable 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.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this Section, 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 to the public sewers;

3. Require control over the quantities and rates of 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 subsection K of this Section.

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, ordinances, and laws.

- F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. 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.
- H. 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 accessibly and safely 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.
- I. 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 Chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the waste water discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter 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 said 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 premises 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 pHs are determined from periodic grab samples.
- K. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, in accordance with chapter 00, article I, by the industrial concern provided such payments are in accordance with Federal and State guidelines for user charge system. (Ord. 388, 9-8-1997)

7-8-5: **PROTECTION OF SEWAGE WORKS FROM DAMAGE:** No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 388, 9-8-1997)

7-8-6: **POWERS AND AUTHORITY OF INSPECTORS:**

- A. The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. 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 sewers or waterway or facilities for waste treatment.

- B. While performing the necessary work on private properties referred to in subsection A of this Section, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in subsection 7-8-4I of this Chapter.
- C. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 388, 9-8-1997)

7-8-7: PENALTIES:

- A. Any person found to be violating any provision of this Chapter except Section 7-8-5 of this Chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Chapter.
- B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this Section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount

not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. Any person violating any of the provisions of this Chapter shall become liable to the Village by reasons of such violation. (Ord. 388, 9-8-1997)

BUILDING REGLUATIONS

TITLE 8
BUILDING REGULATIONS

Subject	Chapter
Building Code	1
Housing Code	2
Electrical Code	3
Plumbing Code	4
Fire Prevention Code	5
Signs and Awnings	6
Unsafe Buildings	7

CHAPTER 1
BUILDING CODE

SECTION:

- 8-1-1: Adoption Of Building Code
8-1-2: Amendments To BOCA Code; Fees
8-1-3: Building Permits

8-1-1: ADOPTION OF BUILDING CODE: There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures that certain building code known as BOCA (Building Officials and Code Administrators), most current edition and any amendments thereto, of which not less than three (3) copies have been and now are filed in the office of the village clerk, and the same is hereby adopted and incorporated as fully controlling in the construction of all buildings and other structures. Provided, however, that in the event the provisions of BOCA are in conflict with state law, this code, or ordinances of the village, then such state law, this code or village ordinances shall prevail. (Ord. 270A, 12-3-1979; amd. 1995 Code)

8-1-2: AMENDMENTS TO BOCA CODE; FEES: The building code of the village relating to building fees contained in the most current edition of the BOCA basic building code is hereby amended as follows: (Ord. 292, 2-16-1981; amd. 1995 Code)

FEE SCHEDULE: A fee for each building permit shall be paid in accordance with the following schedule:

\$	0.00 to	\$	500.00	\$	10.00
	501.00 to		5,000.00		20.00
	5,001.00 to		10,000.00		35.00
	10,001.00 to		20,000.00		55.00
	20,001.00 to		30,000.00		75.00

\$ 30,001.00 to	\$ 40,000.00	\$ 95.00
40,001.00 to	50,000.00	115.00
50,001.00 to	60,000.00	135.00
60,001.00 to	70,000.00	155.00
70,001.00 to	80,000.00	175.00
80,001.00 to	90,000.00	195.00
90,001.00 to	100,000.00	215.00
100,001.00 to	1,000,000.00	215.00
1,000,001.00 and up		2,015.00
Plus \$2.00 per each \$1,000.00 over \$100,000.00		
Plus \$1.00 per each \$1,000.00 over \$1,000,001.00		

Building fees are based on the completed value of the structure as stated by the applicant, subject to review by the building department. Residence values shall be determined on the basis of \$60.00 to \$80.00 per square foot depending on the type of construction. Garages, attached or detached, shall be valued on the basis of \$8.00 to \$10.50 per square foot.

Commercial and/or industrial building fees shall be based on actual contract price or the stated value of the completed structure, subject to review by the building department.

All applications for residential permits are to be accompanied by plat plan, basement plan, floor plan, two elevations, and one cross section.

All applications for commercial and/or industrial permits are to be accompanied by drawings and specifications bearing the seal of an architect or engineer licensed to practice in the state of Illinois.

DEMOLITION is hereby amended as follows:

DEMOLITION: The fee for a permit for the demolition of a building or structure shall be at the rate of \$.02 per square foot for single story buildings; \$.04 per square foot for two story buildings; \$.06 per square foot for all buildings in excess of two stories; provided, however, that a minimum fee of \$20.00 shall be charged for a demolition permit.

(Ord. 433, 5-9-2005)

8-1-3: **BUILDING PERMITS:** Building permits will be issued as the provisions of title 9, "Zoning Regulations", of this code prescribe. (1970 Code §4-1-2)

CHAPTER 2
HOUSING CODE

SECTION:

8-2-1: Adoption of Housing Code

8-2-1: **ADOPTION OF HOUSING CODE:** There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, that certain Housing Code known as the Uniform Housing Code, copyrighted by the International Conference of Building Officials, most current edition thereof and any amendments thereto, of which not less than three (3) copies have been and now are filed in the office of the Village Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the construction of all buildings and other structures. Provided, however, that in the event the provisions of the Uniform Housing Code are in conflict with State law, this Code, or ordinances of the Village, then such State law, this Code or ordinances of the Village shall prevail. (1970 Code §4-2-1; 1995 Code)

CHAPTER 3
ELECTRICAL CODE

SECTION:

8-3-1: Adoption of Electrical Code

8-3-1: **ADOPTION OF ELECTRICAL CODE:** All electric wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected to, any building or structure within the limits of the Village shall be in conformity with the provisions set forth in the National Electrical Code, most current edition, recommended by the American Insurance Association for electrical wiring and apparatus, and any amendments thereto, which is hereby adopted and incorporated as a part of this Code as fully as if set out at length herein, three (3) copies of said Electrical Code shall at all times be on file in the office of the Village Clerk. Provided, however, that in the event the provisions of the National Electrical Code are in conflict with State law, this Code or ordinances of the Village, then such State law, this Code or ordinances of the Village shall prevail. (1970 Code §4-3-1; 1995 Code)

CHAPTER 4

PLUMBING CODE

SECTION:

- 8-4-1: Adoption of Plumbing Code
8-4-2: Plumbing Inspector
8-4-3: Issuance of Plumbing Permits; Fee

8-4-1: **ADOPTION OF PLUMBING CODE:** There is hereby adopted for the purpose of establishing minimum standards of design, materials and workmanship for all plumbing hereafter installed, altered or repaired and to establish methods of procedure within the limit of the Village that certain plumbing code known as the Illinois State Plumbing Code published by the Illinois Department of Health being the most current edition thereof and any amendments thereto, the whole thereof, which not less than three (3) copies have been and now are filed in the office of the Village Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect the provisions thereof shall be controlling in the installation, alteration or repairing of plumbing. (Ord. 283, 9-8-80; 1995 Code)

8-4-2: **PLUMBING INSPECTOR:** The Village Board shall appoint a Plumbing Inspector who shall be a licensed plumber in accordance with the "Illinois Plumbing License Law"¹. (Ord. 283, 9-8-80; 1995 Code)

8-4-3: **ISSUANCE OF PLUMBING PERMITS; FEE:** The Village Clerk shall have the right to issue plumbing permits. The owner-builder will be responsible for inspection fee, which applies to new construction only. There shall be no fee for plumbing permits. (Ord. 283, 9-8-80; 1995 Code)

1. S.H.A. 225 ILCS 320/1 et seq.

CHAPTER 5
FIRE PREVENTION CODE

SECTION:

8-5-1: Adoption Of Fire Prevention Code

8-5-1: **ADOPTION OF FIRE PREVENTION CODE:** There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as NFPA "National Fire Protection Association" 101, life safety code, 2000 edition, most current abbreviated edition, recommended by the National Fire Protection Association, and any amendments thereto, which code is on file in the office of the village clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the village. Provided, however, that in the event any of the provisions of such fire prevention code are in conflict with state law, this code or other ordinances of the village, then such state law, other provision of this code or ordinances of the village shall prevail. (Ord. 434, 5-9-2005)

CHAPTER 6

SIGNS AND AWNINGS

SECTION:

- 8-6-1: Permit Requirements
 8-6-2: Bond or Insurance
 8-6-3: Construction Specifications
 8-6-4: Periodic Inspections

8-6-1: **PERMIT REQUIREMENTS:**

- A. **Permit Required; Issuance:** No person shall erect or maintain any sign, signboard or rigid canopy or awning over any street, alley, sidewalk or other public way in the Village without first obtaining a permit therefor as is herein provided. Permits for such signs, signboards, rigid canopies or awnings shall be issued by the Clerk. (1970 Code §4-5-1)
- B. **Temporary Permits:** Temporary permits may be issued for the maintenance of a temporary sign or canopy for a short time, but nothing herein contained shall be construed so as to waive the requirements for indemnity contained in Section 8-6-2 of this Chapter. (1970 Code §4-5-3)
- C. **Permit Period:** The period for permits required by this Chapter shall be the same as for the general license year¹. (1970 Code §4-5-5)

8-6-2: **BOND OR INSURANCE:** Each person maintaining such a sign or canopy shall file with the Clerk a bond or indemnity policy in the sum of five thousand dollars (\$5,000.00), conditioned to indemnify the Village for any loss or damage or liability that may result from the construction or maintenance of such sign or canopy. Such bond or policy shall have such sureties as may be required by the Board. Provided,

1. See Section 3-1-5 of this Code.

however, that if at the time of issuing a permit the applicant exhibits to the Clerk an owner's, landlord's and tenant's public liability insurance policy issued by an insurance company approved by the Board, insuring the applicant against loss or liability occasioned by such sign or canopy, in the sum of fifteen thousand dollars (\$15,000.00) for injury to any one person, and thirty thousand dollars (\$30,000.00) for injury to more than one person, and five thousand dollars (\$5,000.00) for injury to property, which policy will be in effect for the license period, and which policy by endorsement by the insurance company has been extended to include the Village's loss or liability, then the bond or indemnity policy may be waived. (1970 Code §4-5-2; 1995 Code)

8-6-3: CONSTRUCTION SPECIFICATIONS:

- A. **Securely Fastened:** All signs, awnings and canopies extending over any sidewalk, street, alley or other public place must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from any other cause. (1970 Code §4-5-4)
- B. **Height Above Walk:** The lowest part of such sign or canopy, or of any nonrigid awning or support thereof which extends over any public way shall be at least seven feet (7') above the level of the walk or public way over which it extends; but no such sign, canopy or awning shall be maintained over any public way used by vehicles if any part of it or of its support is less than fifteen feet (15') above the level of such public way, nor shall any such sign extend more than six feet (6') outside the property line. (1970 Code §4-5-6)

8-6-4: PERIODIC INSPECTIONS: It shall be the duty of the Building Inspector to inspect once each year, every sign, canopy or awning which extends over any sidewalk, street, alley or other public way. (1970 Code §4-5-7; 1995 Code)

CHAPTER 7

UNSAFE BUILDINGS

SECTION:

- 8-7-1: Compliance with Regulations
8-7-2: Demolition or Repair; Lien

8-7-1: **COMPLIANCE WITH REGULATIONS:** In accordance with 65 Illinois Compiled Statutes 5/11-31-2, if the Building Inspector determines, upon due investigation, that any building or structure located within the Village fails to conform to the minimum standards of health and safety as set forth in this Title, and the owner of such building or structure fails, after due notice, to cause such property so to conform, the Village may make application to any court of competent jurisdiction for an injunction requiring compliance with the applicable sections of this Title or for such other order as the court may deem necessary or appropriate to secure such compliance. (1970 Code §4-6-2)

8-7-2: **DEMOLITION OR REPAIR; LIEN:** The Village may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted or abandoned buildings in accordance with 65 Illinois Compiled Statutes 5/11-31-1. The cost of such demolition or repair is recoverable from the owner of such real estate and is a lien therein, which is a lien superior to all prior existing liens except taxes; provided, that within sixty (60) days after such repair or demolition, notice of the lien is filed in the office of the County Recorder of Deeds. (1970 Code §4-6-1; 1995 Code)

ZONING REGULATIONS

TITLE 9
ZONING REGULATIONS

Subject	Chapter
Title, Purpose and Scope	1
Definitions	2
Districts and Map; General Regulations	3
R-1 Single-Family Dwelling District	4
R-2 Multiple-Family Dwelling District	5
B-1 Business and Commercial District	6
I-1 Industrial District	7
Nonconforming Uses; Special Permits	8
Administration and Enforcement	9

CHAPTER 1

TITLE, PURPOSE AND SCOPE

SECTION:

- 9-1-1: Title
 9-1-2: Purpose
 9-1-3: Scope

9-1-1: **TITLE:** This Title shall be known and may be cited as the *SOUTH PEKIN ZONING ORDINANCE*. (1970 Code §10-1-1)

9-1-2: **PURPOSE:** This Title is adopted for the following purposes:

- A. Securing adequate light, pure air and safety from fire and other dangers.
- B. Conserving the taxable value of lands and buildings throughout the Municipality.
- C. Lessening or avoiding congestion in the public streets.
- D. Promoting the public health, safety, comfort, morals and welfare. (1970 Code §10-1-2)

9-1-3: **SCOPE:** This Title establishes, regulates, prohibits or eliminates the following properties and activities:

- A. Height and bulk of buildings.
- B. Setback lines along streets and water channels.
- C. Intensity of use of lot areas and determination of the areas of open spaces within and surrounding buildings.

- D. Location of trades and industries and of buildings designed for specific industrial, business, residential and other uses.
- E. Division of the entire Municipality into zoning districts hereby deemed best to achieve any or all of the above purposes.
- F. Standards for buildings and other structures.
- G. Prohibition of uses, buildings or structures incompatible with the character of any zoning district.
- H. Prevention of additions, alterations or remodeling of existing buildings or structures in any way as to avoid compliance with this Title.
- I. Use of property on the basis of family relationship is hereby defined as one or more persons each related to the other by blood, marriage or adoption and maintaining a common household.
- J. Elimination gradually of existing uses, buildings or structures which are incompatible with the character of the zoning district in which they are located. (1970 Code §10-1-3)

CHAPTER 2
DEFINITIONS

SECTION:

9-2-1: Interpretation of Certain Terms
9-2-2: Definitions

9-2-1: **INTERPRETATION OF CERTAIN TERMS:** For the purpose of this Title, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural.
- C. The word "person" includes a corporation as well as an individual.
- D. The word "building" shall include the word structure.
- E. The word "shall" is always mandatory and not directory. (1970 Code §10-2-1)

9-2-2: **DEFINITIONS:** The following words and terms shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

ALLEY: A public or private thoroughfare which affords only a secondary means of access to the property abutting thereon.

APARTMENT: A room or suite of rooms in a multiple- or two-family dwelling, or where more than one unit is established above nonresidential uses, intended or designed for use as a residence by a single family.

APARTMENT HOUSE:	See Dwelling, Multiple.
BASEMENT:	A story having part but not more than one-half ($\frac{1}{2}$) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation.
BOARDING HOUSE:	A building other than a hotel where, for compensation, meals and lodging are provided for three (3) but not more than twelve (12) persons.
BUILDING:	Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. When a structure is divided into separate parts by unpierced walls extending from the ground, each part is deemed a separate building.
BUILDING, FRONT LINE:	The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
BUILDING, HEIGHT OF:	The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
CELLAR:	A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
COVERAGE:	That percentage of the plot or lot area covered by the building area.
DISTRICT:	A section or sections of the Village for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and intensity of use are uniform.
DWELLING:	Any building or portion thereof, but not a mobile home which is designed and used exclusively for residential purposes.

DWELLING DISTRICT:	Every district specified in this Title, except the B-1 Business and Commercial District, I-1 Industrial District (Light) and I-2 Industrial District (Heavy) is designated as dwelling district.
DWELLING, MULTIPLE:	A building designed for or occupied exclusively by two (2) or more families.
DWELLING, SINGLE-FAMILY:	A building designed for or occupied exclusively by one family.
FAMILY:	One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five (5) persons as distinguished from a group occupying a boarding house, lodging house or hotel, as defined herein.
FILLING STATION:	Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.
FRONTAGE:	All property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is a dead end street, then all of the property abutting on one side between an intersecting street and the dead end of the street.
GARAGE, CLASS I:	An accessory building housing motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located, not more than one of the vehicles being a commercial vehicle of not more than three (3) tons' capacity.
GARAGE, CLASS II:	Any building or premises used for the housing only of motor-driven vehicles other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and mo-

tor-driven vehicles are not equipped, repaired, hired or sold.

GARAGE, CLASS III: Any building or premises used for the housing, hiring, storing, equipping or repairing of motor-driven trucks, commercial or other vehicles owned, leased or operated by the occupant of the premises in the conduct of or as accessory to a business or occupation.

GARAGE, CLASS IV: Any building or premises, except those as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles.

GRADE:

A. For buildings having walls adjoining more than one street, the average of the established elevation of the sidewalk at the centers of all walls adjoining the street.

B. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than twenty feet (20') from the street is to be considered as adjoining the street.

HOME OCCUPATION: Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used a sign other than a nameplate not more than one square foot in area, except as provided in this Title, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling. There is no commodity sold upon the premises; no person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic or household purposes, and no excessive pedestrian or vehicular traffic is generated.

HOTEL:	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house.
INSTITUTION:	A building occupied by a nonprofit corporation or a nonprofit organization for public use.
LODGING HOUSE:	A building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods for compensation for three (3) or more but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.
LOT:	A parcel of land occupied or intended for occupancy by use permitted in this Title, including one main building together with its accessory building, the open spaces and parking spaces required by this Title, and having its principal frontage upon a street or upon an officially approved place. The minimum width shall be not less than fifty feet (50') wide, nor shall it have a minimum area of less than four thousand (4,000) square feet.
LOT, CORNER:	A lot abutting upon two (2) or more streets at their intersection. A building on a lot, corner, shall have a front yard, side yard and rear yard as determined by the location of the building on the lot.
LOT, DEPTH OF:	The mean horizontal distance between the front and rear lot lines.
LOT, DOUBLE FRONTAGE:	A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
LOT OF RECORD:	A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds, or a parcel of land the deed to which was recorded in the office of the Recorder of Deeds prior to the date of the adoption of this Title.

**MANUFACTURING or
INDUSTRY:**

Any use in which the major activity is the treatment, processing, rebuilding, repairing or wholesale storage of material, products or items, and where the finished product is not acquired by the ultimate user on the premises, as distinguished from a retail use where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

MOBILE HOME:

A structure other than a modular home, 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 locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974. Such mobile homes, by law, have affixed to them a red metal label prescribed by the United States Department of Housing and Urban Development.

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 five (5) 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 mobile home parks 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.

MODULAR HOME:

A factory-built home which is subject to regulation by the Illinois Department of Public Health.

By law a modular home must have affixed to it a yellow seal in the shape of the State of Illinois on the electrical panel box or a similar seal of the State of Indiana. A modular home on a permanent perimeter foundation extending below the frost depth qualifies as a single-family structure in any zone in which single-family structures are allowed.

**NONCONFORMING
USE:**

Any building or land lawfully occupied by the use at the time of passage of the original Zoning Ordinance or any amendment thereto, which does not conform after the passage of this Title or amendment thereto with the use regulations of the district in which it is situated.

PARKING SPACE:

A durable surfaced area, enclosed in the main building, in an accessory building, or unenclosed; and if the space is unenclosed, comprising an area of not less than one hundred forty (140) square feet, exclusive of a durable surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

PLACE:

An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

ROOMING HOUSE:

See Lodging House.

**SERVICE
ESTABLISHMENTS:**

Shops wherein the major activities are the repair and maintenance of wearing apparel; sporting goods and articles for the use in the home, including household appliances.

STREET:

All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to easements therefor.

STREET LINE:

A dividing line between a lot, tract or parcel of land and a contiguous street.

STORY:

That portion of a building, other than a cellar or basement included between the surface of any

floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF:

A space under a sloping roof which has the line of intersection of roof decking and wall space not more than three feet (3') above the top floor level and in which space not more than sixty percent (60%) of the floor area is finished for use.

STRUCTURAL ALTERATIONS:

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE:

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

TOURIST or TRAILER CAMP:

An area containing one or more structures designed or intended to be used as temporary living facilities of two (2) or more families, and intended primarily for automobile transients or providing spaces where two (2) or more tents or auto-trailers can be or are intended to be parked.

TRAILER:

Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which is, has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car, camper and house car.

YARD:

An open space on the same lot with a building, occupied and unobstructed by any portion of a structure from the ground upward, except as

otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, or the depth of a rear yard, the mean horizontal distance between the lot line and main building shall be used.

- Front Yard:** A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereto other than the projection of the usual steps.
- Rear Yard:** A yard extending across the rear of a lot, measured between the side lot lines and being the minimum horizontal distance between the rear lot line and rear of the main building or any projections other than steps. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- Side Yard:** The yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line. (1970 Code §10-2-1; 1995 Code)

CHAPTER 3

DISTRICTS AND MAP; GENERAL REGULATIONS

SECTION:

- 9-3-1: Use Districts Established
- 9-3-2: Zoning District Map
- 9-3-3: Boundaries of Districts
- 9-3-4: Newly Annexed Property
- 9-3-5: Vacated Property
- 9-3-6: General Regulations for Buildings and Lots

9-3-1: **USE DISTRICTS ESTABLISHED:** In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and determine the intensity of use of the lot areas, and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings, the Village is hereby divided into districts, of which there shall be four (4) in number, known as:

R-1 Single-Family Residential

R-2 Multiple-Family Residential

B-1 Commercial

a. Central District

b. Other District

I-1 Industrial
(1970 Code §10-3-1)

9-3-2: **ZONING DISTRICT MAP:** The boundaries of the districts hereinabove set forth shall be known and designated as the "District Map". The District Map and all notations, references and other information shown thereon are hereby made a part of this Title and shall have the same force and effect as if said District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which is properly attested to and is on file with the Village Clerk. (1970 Code §10-3-2)

9-3-3: **BOUNDARIES OF DISTRICTS:** Where uncertainty may exist with respect to the boundaries of the various districts as shown on the District Map hereby adopted, the following rules shall apply:

- A. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the District Map are bounded approximately by the street or alley lines, the street or alley shall be construed to be the boundary of the district.
- B. Where district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on said Map.
- C. In unsubdivided property, the district boundary lines on the District Map shall be determined by use of the scale appearing on said District Map. (1970 Code §10-3-3)

9-3-4: **NEWLY ANNEXED PROPERTY:** Any and all property which may hereafter be annexed to the Village shall, prior to the election at which the question of such annexation is to be submitted to the citizens of the Village, be studied by the Zoning Commission and tentatively classified into one or more of the several districts. Such property, when such annexation shall become final, shall be added to the district as designated by the Commission. Within six (6) months of the date of such annexation, the Zoning Commission shall call a public hearing for the purpose of zoning such annexed property, and within thirty (30) days after such hearing, shall recommend to the Village Board that this Title be amended so as to classify such property in accordance with such recommendations. All property annexed to the Village shall be classified as

R-1 District until this classification is changed by amendment to this Title.
(1970 Code §10-3-4)

9-3-5: **VACATED PROPERTY:** Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (1970 Code §10-3-5)

9-3-6: **GENERAL REGULATIONS FOR BUILDINGS AND LOTS:**
Except as hereinafter provided:

- A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
- D. The minimum yards and other open spaces, including lot area per family, required by this Title for each and every building existing at the time of the effective date hereof, or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Title. (1970 Code §10-3-6)

CHAPTER 4

R-1 SINGLE-FAMILY DWELLING DISTRICT

SECTION:

- 9-4-1: Use Regulations
 9-4-2: Permitted Uses
 9-4-3: Area Regulations

9-4-1: **USE REGULATIONS:** The regulations set forth herein, or set forth elsewhere in this Title when referred to in this Chapter, are the district regulations in the R-1 Single-Family Dwelling District. (1970 Code §10-4-1)

9-4-2: **PERMITTED USES:** A building or premises shall be used only for the following purposes:

Churches.

Class I garages.

Home occupations as defined in Section 9-2-2 of this Title.

Parks and playgrounds.

Single-family dwellings. (1970 Code §10-4-2)

9-4-3: **AREA REGULATIONS:**

A. **Setback:** All buildings shall be erected so as to conform to the established setback line on the block or street.

B. **Yards:**

1. Front Yard: The front yard shall be determined by the setback. If there is no established setback line, then twenty five feet (25').

2. Side Yards:

a. Except as may be hereinafter provided, there shall be a side yard on each side of the building having a width of not less than five feet (5'), except that a detached garage or other outbuilding located sixty feet (60') or more from the front property line may be located within two feet (2') of the side lot line.

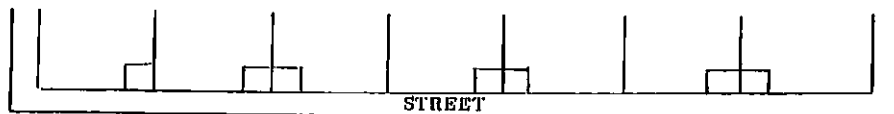
b. Uncovered porches or terraces may, however, be built and maintained within any part of such free and open spaces so long as they do not encroach within three feet (3') of a lot dimension line.

3. Rear Yard: The rear yard shall consist of twenty percent (20%) of the area of the lot.

C. Height: No building in the R-1 District shall exceed thirty five feet (35'). (1970 Code §10-4-3)

D. Driveways: Each lot on which a building is erected for use as a dwelling shall have a driveway constructed of concrete, a minimum of ten feet (10') wide, four inches (4") thick and twenty five feet (25') long. An entrance culvert fifteen inches (15") in diameter extending a minimum of two feet (2') on each side of the driveway shall be provided where the driveway intersects with the public street.

E. Garbage Can Placement for Pickup; Diagram: Each lot shall have on a front corner, a concrete pad, a minimum of three feet by four feet (3' x 4'), four inches (4") thick, placed as is in the accompanying diagram, for the placing of garbage cans for garbage pickup.



(Ord. 262, 3-19-79)

CHAPTER 5

R-2 MULTIPLE-FAMILY DWELLING DISTRICT

SECTION:

- 9-5-1: Purpose
 9-5-2: Permitted Uses
 9-5-3: Area Regulations
 9-5-4: Parking Regulations

9-5-1: **PURPOSE:** The purpose of the R-2 District is to accommodate a variety of types of housing at a higher density than R-1 and to assure that areas which develop at such higher density will be well located in relation to Village utilities, commercial areas, schools, etc. (1970 Code §10-5-1)

9-5-2: **PERMITTED USES:**

Any use permitted in an R-1 District.

Multiple-family dwellings with a minimum of six hundred (600) square feet per family unit and a variance allowance of two percent (2%) thereof exclusive of one story open porches and garages.

Rooming and boarding houses. (1970 Code §10-5-2)

9-5-3: **AREA REGULATIONS:**

A. Setback: Same as R-1 District.

B. Yards:

Front Yard: Same as R-1 District.
 Side Yard: Same as R-1 District.

9-5-3

9-5-4

Back Yard: Same as R-1 District.
(1970 Code §10-5-3)

9-5-4: **PARKING REGULATIONS:** Off-street parking shall be provided at the rate of one and one-half ($1\frac{1}{2}$) spaces for each dwelling unit. (1970 Code §10-5-4)

CHAPTER 6

B-1 BUSINESS AND COMMERCIAL DISTRICT

SECTION:

- 9-6-1: Use Regulations
9-6-2: Permitted Uses
9-6-3: Parking Regulations
9-6-4: Height Regulations

9-6-1: **USE REGULATIONS:** The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the B-1 Business and Commercial District, B-1-a and B-1-b. (1970 Code §10-6-1)

9-6-2: **PERMITTED USES:**

- A. **Business Uses:** A building or premises in the Commercial District may be used for the following purposes:

Bakery.

Bank.

Barber shop or beauty shop.

Business or commercial school, or dancing academy.

Catering establishment.

Class III and IV garages.

Clinics (medical-dental).

Clubs and lodges.

Dyeing and cleaning works using a fluid whose base is of a material other than petroleum or any of its derivatives.

Electric or repair shop.

Filling stations.

Hospitals and clinics for animals but not open kennels.

Hospitals, sanitariums, rest homes and similar uses.

Hotel or motel.

Laundry.

Lumber yard (with solid enclosure).

Messenger and telegraph service station.

Offices.

Painting and decorating shop.

Photograph gallery.

Plumbing shop.

Professional offices and medical clinics.

Recreation or amusement center.

Restaurant.

Sales or showroom.

Service establishments.

Shoe repair shops.

Store or shop for the conduct of retail business.

Store for the collection and distribution of laundry and dry cleaning.

Tailor shop.

Theater, except open-air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the lot or within three hundred feet (300') thereof, parking space to accommodate one automobile for every five (5) seats in the theater.

Tinsmithing and machine shops.

Tire repair shop.

Undertaking establishment.

Used car sales or storage lots but excluding the salvage of automobiles or of parts thereof.

Woodworking.

- B. **Noxious or Offensive Businesses Prohibited:** It is understood that the above designated business establishments or any other establishments approved for commercial operation within the Village limits shall in no manner be of such nature to be noxious or offensive to the residents of adjacent areas. Complaints of such nature may be made either to the Village Board or directly to the Zoning Board of Appeals. (1970 Code §10-6-2; 1995 Code)

9-6-3: PARKING REGULATIONS: There shall be no off-street parking requirements in the B-1-a District. In the B-1-b District, off-street parking space shall be provided at the rate of one space for each four hundred (400) square feet of floor area in the building which is used for commercial or business purpose. (1970 Code §10-6-3)

9-6-4: HEIGHT REGULATIONS: No building shall exceed two and one-half (2^{1/2}) stories or thirty five feet (35') in height in the B-1 District. (1970 Code §10-6-4)

CHAPTER 7

I-1 INDUSTRIAL DISTRICT

SECTION:

- 9-7-1: Use Regulations
 9-7-2: Permitted Uses
 9-7-3: Parking Regulations
 9-7-4: Height Regulations

9-7-1: **USE REGULATIONS:** The regulations set forth in this Chapter or set forth elsewhere in this Title when referred to herein are the district regulations in the I-1 Industrial District. (1970 Code §10-7-1)

9-7-2: **PERMITTED USES:** A building or premises shall be used only for the following purposes:

Any use permitted in the B-1 Business and Commercial District.

Blacksmith shop.

Bottling works.

Coal yards.

Dyeing and cleaning establishments.

Industrial and manufacturing plants, where the operations are conducted in one or more buildings and not more than ten percent (10%) of the tract is used for open storage of products, materials or equipment.

Lumber or building materials yard.

Milk distribution station.

Painting plants.

Public utility substations and facilities.

Warehouses and storage plants.

Wholesale establishments.

Wholesale storage of oil, gasoline or other petroleum products. (1970 Code §10-7-2)

9-7-3: **PARKING REGULATIONS:** Parking space shall be provided on the lot or in a building on the lot adequate to accommodate the cars of the employees of any of the uses permitted in this District as well as the trucks and other vehicles owned by or in custody of the establishment. (1970 Code §10-7-3)

9-7-4: **HEIGHT REGULATIONS:** No building shall exceed three (3) stories or forty five feet (45') in height in the I-1 District. (1970 Code §10-7-4)

CHAPTER 8

NONCONFORMING USES; SPECIAL PERMITS

SECTION:

- 9-8-1: Nonconforming Uses; Continuance, Removal
9-8-2: Special Permits

9-8-1: NONCONFORMING USES; CONTINUANCE, REMOVAL:

- A. The lawful uses of land for storage purposes, where such use is not an adjunct of any structure, and for advertising signs and billboards which do not conform to the provisions of this Title, shall be discontinued within five (5) years from the date of adoption hereof.
- B. The lawful use of a building existing at the time of the adoption of this Title may be continued, subject to the provisions hereof, although such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or more restricted classifications. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not hereafter be changed to a less restricted use.
- C. No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty percent (50%) of its current fair market value, shall be restored except in conformity with the regulations of this Title.
- D. In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

- E. The nonconforming structure that was erected, converted or structurally altered in violation of the provisions of this Title shall be validated by the adoption of this title or amending provision may be ordered removed or corrected by the proper officials at any time.
- F. Except as hereafter provided, all nonconforming commercial or industrial buildings located within any dwelling district shall be removed or converted and the building thereafter devoted to a use permitted in the district in accordance with the following schedule:
1. In the case of buildings erected before January 1, 1925, on or before January 1, 1975.
 2. In the case of buildings erected between January 1, 1925, and January, 1940, on or before January 1, 1980.
 3. In the case of buildings erected between January 1, 1940, and January 1, 1945, on or before January 1, 1985.
 4. In the case of buildings erected since January 1, 1945, within forty (40) years from the date of issue of a building permit therefor. (1970 Code §10-8-1)

9-8-2: SPECIAL PERMITS:

- A. Issuance of Permits for Certain Businesses; Hearing: The Board of Trustees may, by special permit after public hearing held by the Board of Appeals and notice as provided in Section 9-9-5 of this Title, and subject to such protective restrictions as it may deem necessary, authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in the district from which they are prohibited or limited by this Title; provided, that such buildings or uses will not have any serious and depreciating effect upon the value of the surrounding property:

Any public building erected and used by any department of a municipal, county, state or Federal government.

Cemetery or mausoleum.

Extraction of sand, gravel and other raw materials.

Greenhouses.

Hotels where the primary purposes is to provide seasonal or year around living facilities, but only when they are located on large tracts and would not adversely affect surrounding residential developments.

Nurseries and truck gardens.

Parking lots on land not more than three hundred feet (300') from the boundary of any commercial, business or industrial district under such conditions as will protect the character of surrounding property.

Radio or TV towers and radio broadcasting stations.

Any use which is generally similar to the uses permitted in the district in which such proposed use is sought to be located by special permit which conforms to the regulations for such districts.

- B. Report to Board of Trustees: Before issuance of any special permit for any of the above buildings or uses, the Board of Appeals shall report to the Board of Trustees regarding the public hearing thereon and also upon the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety or general welfare. No action shall be taken upon any application for the proposed building or use above referred to until and unless the report of the Board of Appeals has been filed, but such report shall be made within sixty (60) days after the matter has been referred to said Board of Appeals by the Village Board. If the Board of Appeals recommends against the issuance of the special permits, it may be issued only by an affirmative two-thirds ($\frac{2}{3}$) vote of the voting members of the Village Board. (1970 Code §10-8-2)

CHAPTER 9

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 9-9-1: Enforcement
- 9-9-2: Amendments; Hearing, Frontage Consents
- 9-9-3: Variances
- 9-9-4: Permits, Certificates and Fees
- 9-9-5: Applications; Hearing Notice and Filing Fee
- 9-9-6: Interpretation
- 9-9-7: Violation; Penalty

9-9-1: **ENFORCEMENT:** This Title shall be enforced by the Zoning Enforcing Officer who shall be appointed by the President of the Village Board by and with the consent of the Board. No building permit or certificate of occupancy shall be issued by him except where the provisions of this Title shall have been complied with. (1970 Code §10-11-1)

9-9-2: **AMENDMENTS; HEARING, FRONTAGE CONSENTS:** The Board of Trustees may from time to time on its own motion or on petition after report by the Plan Commission, and after public hearing and public notice of such hearing, as provided in Section 9-9-5 of this Chapter, supplement or change the ordinance, regulations and districts herein or subsequently established. In case of written protest against any proposed amendments signed by the owners of twenty percent (20%) of frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered as to such regulations or district, filed with the Clerk, such amendment shall not be passed except by the favorable vote of two-thirds ($\frac{2}{3}$) of all of the members of the Board of Trustees. (1970 Code §10-9-1)

9-9-3: **VARIANCES:** The Board of Appeals may grant variances in accordance with Section 2-2-3 of this Code. (1970 Code §10-9-2)

9-9-4: **PERMITS, CERTIFICATES AND FEES:** It shall be unlawful to establish any use of a building, structure or land, either by itself or in addition to another use, or to erect a new building or structure or part thereof, or to rebuild, structurally alter, add to or relocate any building or structure, or part thereof, without obtaining a permit from the Zoning Enforcing Officer in accordance with the following regulations:

A. **Building Permits; Fees:**

1. Application for permits shall be filed in written form with the Enforcing Officer, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor, the estimated costs, and shall describe the uses to be established or expanded and shall give such information as may be required by this Title for its proper enforcement.
2. All applications shall be accompanied by a dimensioned drawing of the building plot showing the location of buildings and structures, lot areas to be used and auto parking areas.
3. Each permit issued for a main building shall also cover any accessory structures or buildings constructed at the same time on the same premises, and such permit shall be posted in plain sight on the premises for which it is issued, until completion of construction or occupancy.
4. Any work or change in use authorized by permit but not substantially started within ninety (90) days shall be revoked by the Enforcing Officer when he shall find from personal inspection or from competent evidence that the rules and regulations under which it has been issued are being violated.
5. All applications and a copy of all permits issued shall be systematically filed and kept by the Enforcing Officer in his office for ready reference. (1970 Code §10-11-2)
6. To partially defray the expenses for inspecting the plans of property and inspecting said property, a fee shall be charged by the Village for the issuance of each permit, and the Zoning Enforcement Officer is hereby authorized and directed to collect such fee and to

remit all said fees collected by him to the Village monthly, such fees to be as follows:

<u>Cost of Improvement</u>	<u>Fee</u>
\$ 0.00 to \$ 20,000.00	\$ 20.00
20,001.00 to 30,000.00	30.00
30,001.00 to 40,000.00	40.00
40,001.00 to 50,000.00	50.00
50,001.00 to 60,000.00	60.00
60,001.00 to 70,000.00	70.00
70,001.00 to 80,000.00	80.00
80,001.00 to 90,000.00	90.00
90,001.00 to 100,000.00	100.00
100,001.00 to 110,000.00	110.00
110,001.00 to 120,000.00	120.00
120,001.00 to 130,000.00	130.00
130,001.00 to 140,000.00	140.00
140,001.00 to 150,000.00	150.00
150,001.00 to 160,000.00	160.00
160,001.00 to 170,000.00	170.00
170,001.00 to 180,000.00	180.00
180,001.00 to 190,000.00	190.00
190,001.00 to 200,000.00	200.00

Fees shall be based upon the fair market value of the completed improvement. (Ord. 262, 3-19-79)

7. Any person who begins work on any parcel of property, with the intent to construct a building thereon, without having first obtained the required permits, shall be required to obtain the permits applicable, the fee for which shall be one and one-half (1¹/₂) times the cost had the permits been obtained prior to the starting date of the work performed. No further work shall be performed on said property until all necessary fees are paid and permits issued. (Ord. 289, 12-1-80)

B. Certificates of Occupancy:

1. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer.

2. All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the erection or alteration shall have been approved.

3. Certificates of occupancy for the use of vacant land shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this Title.

4. The Zoning Enforcing Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

5. No permit for excavation for, or the erection or alteration or repairs to, any building shall be issued until an application has been made for a certificate of occupancy. (1970 Code §10-11-2)

- C. Certification for Habitation; Permit and Fee: It shall be unlawful to permit a building to be inhabited until all utilities are connected thereto and a permit for habitation obtained from the Building Inspector. The Village Clerk shall collect a fee of ten dollars (\$10.00) for each such permit issued. (Ord. 262, 3-19-79; 1995 Code)

9-9-5: APPLICATIONS; HEARING NOTICE AND FILING FEE:

- A. Applications for Special Uses, Variances and Amendments: All applications for special uses, variances and amendments shall be in writing, stating in a clear, concise manner, the relief requested. All applications shall be filed with the Village Clerk. (1970 Code §10-10-1)

- B. Notice of Hearing: Notice by the applicant of the hearing on special permits, variances and amendments shall be given as follows:

1. Publication: The applicant shall cause a notice of time, place and purpose of such hearing to be published in a newspaper of general circulation within the Village not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing. Such notice shall contain both legal description and the street address of the property which is the subject of the hearing, the nature of the hearing, and the name of the applicant.

2. The applicant shall also cause a like notice in writing to be delivered personally or sent by certified mail, return receipt requested, to the persons to whom the current real estate tax bills are sent as shown on the record of the local real estate tax collector and to all persons residing on or in possession of the premises lying within three hundred feet (300') of the property lines of the parcel which is the subject of the hearing. (1970 Code §10-10-2)

- C. Filing Fee: A fee of forty dollars (\$40.00) shall be charged for the filing of applications for special uses, variances and amendments. In addition, the applicant shall pay all costs of publication and other notice. (1970 Code §10-10-3; 1995 Code)

9-9-6: INTERPRETATION:

- A. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare. Wherever the requirements of any other lawfully adopted rules, regulations or ordinances shall apply, the most restrictive or that imposing the higher standards shall govern.
- B. It is not intended by this Title to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land. Where this Title imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Title shall control. (1970 Code §10-12-1)

9-9-7: VIOLATION; PENALTY:

- A. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Title shall be deemed guilty of a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code.
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Title, the proper authorities of the Village, in addition to other remedies, may institute

any appropriate action or proceedings to prevent such unlawful erection, maintenance or uses; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. 290, 12-1-80; 1995 Code)

SUBDIVISION REGULATIONS

TITLE 10
SUBDIVISION REGULATIONS

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CHAPTER 1

TITLE, PURPOSE AND DEFINITIONS

SECTION:

10-1-1:	Title
10-1-2:	Purpose
10-1-3:	Jurisdiction
10-1-4:	Rules of Construction, Certain Terms
10-1-5:	Definitions

10-1-1: **TITLE:** This Chapter may be known, cited and referred to as the *SOUTH PEKIN ILLINOIS SUBDIVISION CODE*. (Ord. 234, 10-23-74, eff. 11-6-74)

10-1-2: **PURPOSE:** This Chapter, which is a part of the Comprehensive Plan of the Village, is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare of the people; to protect the character and maintain the stability of the Village and contiguous unincorporated territory; to assure the orderly development of the Village, and to establish reasonable standards of design and procedure for subdivision and for resubdivision of land within the Village and contiguous unincorporated territory. (Ord. 234, 10-23-74, eff. 11-6-74)

10-1-3: **JURISDICTION:** These regulations shall be applicable to all subdivisions and resubdivision of land within the corporate limits of the Village and contiguous unincorporated territory not more than one and one-half ($1\frac{1}{2}$) miles beyond the corporate limits of the Village. (Ord. 234, 10-23-74, eff. 11-6-74)

10-1-4: RULES OF CONSTRUCTION, CERTAIN TERMS:

- A. Words used in the present tense shall include the future, words used in the singular number shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined herein appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner. (Ord. 234, 10-23-74, eff. 11-6-74)

10-1-5: DEFINITIONS:

- ALLEY:** A public right of way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.
- BLOCK:** A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines, waterways or boundary lines of the corporate limits of the Village.
- BOARD:** The Board of Trustees of the Village of South Pekin, Illinois.
- COMPREHENSIVE PLAN:** Collectively those documents and ordinances of the Village relating to zoning, major street planning and land development.
- CUL-DE-SAC (DEAD END STREET):** A local residential street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- EASEMENT:** A grant by a property owner of the use of land for a specific purpose.

FINAL PLAT:	The map or plan of record of a subdivision, and any accompanying material as described in Chapter 6 of this Title.
FLOOD PLAIN:	That area which would be inundated by storm water runoff equivalent to that which would occur with a rainfall of fifty (50) year frequency after total development of the watershed.
FRONTAGE:	The length of the front property lines of the lot, lots or tract of land abutting a public street, road, highway or rural right of way.
GRADE:	The slope of a road, street or other public way, specified in percent and shown on street profile plans as required herein.
GRADE, LANDING:	The grade required on streets entering major thoroughfares at points of intersection, as specified herein.
IMPROVEMENT, PUBLIC:	Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, planting strip, off-street parking area or other facility for which South Pekin may ultimately assume the responsibility for maintenance and operation.
LOT:	A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
OWNER:	Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided under this Chapter.
PARKWAY:	An unpaved strip of land situated within the public right of way of a street.
RIGHT OF WAY:	A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for other special uses. The usage of the term "right of way" for

land platting purposes shall mean that every right of way hereafter established and shown on a final record plat 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. Rights of way intended for streets, sidewalks, water mains, sanitary sewers, storm sewers or any other uses involving future maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

**SERVICE DRIVE
(ACCESS STREET):**

A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

SIDEWALK:

That portion of a public right of way, paved or otherwise surfaced, intended for pedestrian use only.

STREET (ROADWAY):

The paved portion of a public or private right of way which affords a primary means of vehicular access to abutting properties and protection from through traffic.

**STREET, MARGINAL
ACCESS:**

A minor street which is parallel to and adjacent to a major street, and which provides access to abutting properties and protection from through traffic.

STREET, MINOR:

A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

STREET WIDTH:

The shortest distance between the outer parallel limits of the paved portion and gravel apron of a street.

**SUBDIVIDER
(DEVELOPER):**

Any person or corporation or duly authorized agent of the landowner who undertakes the subdivision of land as defined herein.

SUBDIVISION:

A division of a lot, tract or parcel of land into two (2) or more lots, or other divisions of land, for the purpose, whether immediate or future, of a) transfer of ownership, b) building development, or c) redevelopment, including all changes in street or lot lines; provided, however, that divisions of land for agricultural purposes, in parcels of five (5) acres or more not involving any new street or easement of access, shall be exempted, and the transactions described in section 1(b) of "An Act to Revise the Law in Relation to Plats¹" shall also be exempted.

VILLAGE:

The Village of South Pekin, Illinois. (Ord. 234, 10-23-74, eff. 11-6-74)

1. S.H.A. 765 ILCS 205/1.

CHAPTER 2

GENERAL PROVISIONS

SECTION:

10-2- 1:	Interpretation
10-2- 2:	Separability
10-2- 3:	Suitability of Land for Subdivision
10-2- 4:	Connection to City Utilities
10-2- 5:	Flood Plain Areas
10-2- 6:	Public Lands
10-2- 7:	Acquisition of Land for Public Use
10-2- 8:	Vacation of Plats and Streets
10-2- 9:	Administration
10-2-10:	Enforcement
10-2-11:	Invalid Plats
10-2-12:	Unlawful Division
10-2-13:	Engineering and Inspection
10-2-14:	Variations
10-2-15:	Procedure
10-2-16:	Penalty

10-2-1: **INTERPRETATION:**

- A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare.
- B. Where the conditions imposed by any provisions of this Chapter upon the subdivision of land are either more restrictive or less restrictive than any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. This Chapter is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this Chapter are more restrictive or impose higher standards or

regulations than such easements, covenants or other private agreements, the requirements of this Chapter shall govern.

- D. No subdivision of land which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter, and to the extent and in any manner that said subdivision of land is in conflict with the requirements of this Chapter, said subdivision of land remains unlawful hereunder.
- E. Nothing contained in this Chapter shall be deemed to be a consent, license or permit to use or subdivide land.
- F. The provisions of this Chapter are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Chapter. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-2: **SEPARABILITY:** It is hereby declared to be the intention of the Village that the several provisions of this Chapter be separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-3: **SUITABILITY OF LAND FOR SUBDIVISION:**

- A. Land subject to flooding and land deemed to be topographically unsuitable shall not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard.
- B. The Board shall not approve the subdivision of land if, in the opinion of the Village Engineer and upon adequate investigation conducted by the Board, it is determined that subdivision and development of

the site as proposed would be detrimental to the best interests of the public.

- C. In no case shall the development of a subdivision change the direction of surface water runoff from the subdivided land onto lower lands, nor shall such development cause an increase in the amount or rate of such runoff. In no case shall the development of a subdivision impede the flow of surface water runoff from higher adjoining lands onto the subdivided land.
- D. Similarly, no developer of an individual lot within the subdivision shall cause a change in direction, or an increase in the amount or rate, of surface water runoff from said lot onto lower lots either in the subdivision or elsewhere. And no individual lot development shall impede the flow of surface water runoff from higher adjoining lots. Rather, said developer is responsible for grading, filling and foliating his lot to prevent such an occurrence.
- E. Violation of subsections C or D shall vest any injured party with a cause of action against the violator for an injunction and/or money damages as a Circuit Court may decide. The measure of said damages shall be the cost of restoring the injured party's property to its original condition.
- F. No subdivision developer or individual lot owner within a subdivision shall allow the erosion of soil onto lower properties. Violation of this subsection shall vest any injured party with a cause of action against the violator for an injunction and/or money damages as a Circuit Court may decide. The measure of said damages shall be the cost of restoring the injured party's property to its original condition.(Ord. 234, 10-23-74, eff. 11-6-74)

10-2-4: **CONNECTION TO CITY UTILITIES:** Sanitary sewers and water supply mains, as required under Sections 10-4-2 and 10-4-3 of this Title, shall not be tied into or connected to storm, sanitary and water supply systems of the Village unless the subdivision shall have been annexed to or is a part of the Village. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-5: **FLOOD PLAIN AREAS:**

- A. The Village Board may, when it deems necessary for the health, comfort, safety or general welfare of the present or future population

of the area and necessary to the conservation of water, drainage sources and sanitary facilities, prohibit subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.

- B. The areas referred to in subsection A above shall be preserved from any and all destruction or damage by clearing, grading or dumping of earth, waste material or stumps during the course of adjacent building or development operations.
- C. Where a development is traversed by a stream or drainage course, sufficient right of way adjacent to and including such topographic feature shall be dedicated for public use to allow for proper maintenance. Such dedication shall include a strip of land at least fifteen feet (15') in width on both sides of the defined stream or drainage course. All data required of such topographic feature shall be provided by the subdivider. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-6: PUBLIC LANDS:

- A. Whenever a proposed subdivision contains a land area of six (6) acres or more, the subdivider may be required to dedicate a reasonable area therein for public use as park, recreation, school or other public purpose sites. Such area so dedicated shall be in addition to all dedications for streets and thoroughfares. In determining the area to be so dedicated for public use, the Board shall give due consideration to present and anticipated population density within such subdivision and to present and future requirements for such public needs; provided, however, that no subdivider shall be required to dedicate public land for the aforesaid purposes in excess of seven percent (7%) of the total land area within the subdivision.
- B. Whenever a tract of land to be subdivided includes a proposed site for a park, playground, school or other public use, such site shall be suitably incorporated by the developer into his subdivision plan after proper determination as to its necessity by the Board and the appropriate public agency involved in the use. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-7: ACQUISITION OF LAND FOR PUBLIC USE:

- A. Any land to be acquired under Section 10-2-6 of this Chapter shall be so acquired within one year of submission of the subdivider's preliminary plan.
- B. The Board shall consider all tentative subdivision plans and adopted or proposed studies related thereto to determine the need for acquisition for public use of any of the land included in the tentative subdivision plan.
- C. The Board shall refer the plan to the public agency concerned with acquisition for its consideration and report. The Board may propose alternate areas for such acquisition and shall allow said public agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- D. Upon receipt of an affirmative report, the Board shall notify the property owner and shall designate on the tentative plan and final subdivision plat that area proposed to be acquired by the public agency involved. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-8: VACATION OF PLATS AND STREETS:

- A. In cases where an application is made to the Board to vacate any subdivision, or part thereof, prior to the sale of any lot in the subdivision, the Board may, by ordinance, order the vacation of all or part of the said subdivision. When lots have been sold, the plat may be vacated, providing all the owners of lots in said plat join in the execution of said application.
- B. In cases where an application is made to the Board to vacate any street, alley or public place, the Board may in such cases order the street, alley or public place, or part thereof, vacated and receive from the owner or owners of property abutting on such street, alley or public place or part thereof so vacated, compensation in an amount which, in the judgment of such Board, shall be equal to the benefits which will accrue to the owner or owners of such abutting property by reason of such vacation; provided, that such order of vacation shall be passed by the affirmative vote of at least two-thirds ($\frac{2}{3}$) of the members of the Board.

- C. In all cases where application for vacation of any subdivision street, alley or public place, or part thereof, is made to said Board, such application shall be referred to the Village Attorney, who shall make an investigation of the premises described in such application. The said Attorney shall make a search to determine whether title is in the applicant's name and determine whether any lots in the subdivision have been sold. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-9: **ADMINISTRATION:** Three (3) offices of the government of the Village are concerned with the administration of this Chapter:

- A. **Village Clerk:** The Village Clerk shall be the enforcing officer of this Chapter and it shall be his duty to enforce the provisions hereof. The Clerk may call upon any department or official of the Village to furnish him with such information and assistance as he may deem necessary to effect the proper enforcement of this Chapter, and it shall be the duty of such department or official to furnish such information and assistance whenever required. In the furtherance of such authority, the Clerk shall:
1. Maintain permanent and current records of this Chapter, including amendments thereto;
 2. Receive and file all subdivision applications, tentative plans and supporting data;
 3. Forward copies of the tentative plan to the Board for its recommendations and approval or rejection;
 4. Receive and file all final record plats;
 5. Forward to the Board all final plats; and
 6. Make all other determinations required of him by the regulations contained herein.
- B. **Village Engineer:** The Village Engineer is hereby vested with the duty and responsibility of reviewing all engineering plans and specifications concerning required public improvements and submitting recommendations thereon to the Board of Trustees. He shall also make all other determinations required of him by the regulations contained herein.

- C. **Board of Trustees:** The Board of Trustees is vested with the following responsibilities in regard to subdivision control:
1. Approval or disapproval of all preliminary subdivision plans;
 2. Approval or disapproval of all final plats;
 3. Amend the regulations of this Chapter when it is found necessary and desirable, as hereinafter provided;
 4. Institute appropriate proceedings to enforce the provisions of this Chapter;
 5. Approve or disapprove intended dedications and, by ordinance, declare public reservations of land;
 6. Order the vacation of a street, alley or other public place and fix compensation therefor;
 7. Act upon variation requests; and
 8. Make all other determinations required of the Board by the regulations contained herein. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-10: **ENFORCEMENT:**

- A. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Board of Trustees and filed with the Tazewell County Recorder of Deeds.
- B. The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this Chapter, for the purpose of sale, transfer or lease shall be subject to all of the requirements and regulations contained in this Chapter.
- C. No building permit shall be issued for the construction of any building located on a lot or plot subdivided or sold in violation of the requirements and regulations of this Chapter.
- D. No plat or subdivision shall be approved which does not comply with all applicable provisions of this Chapter. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-11: **INVALID PLATS:** No plat of any subdivision shall be valid nor entitled to record unless and until the same has been approved by the Board of Trustees in accordance with the procedure hereinafter provided, and no plat of a subdivision shall be approved without compliance with the standards of design and specifications for improvement required as hereinafter set forth. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-12: **UNLAWFUL DIVISION:** From and after the effective date of this Chapter, no lot or tract of land located within the Village or within the area of jurisdiction of the Village shall be divided or redivided in any manner into two (2) or more lesser tracts for building site purposes, without subdividing or resubdividing and platting such tract in the manner provided by the statutes of the State of Illinois and this Chapter. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-13: **ENGINEERING AND INSPECTION:**

- A. Plans and specifications for public sidewalk, sanitary sewer, water main, storm sewer, streets, curb and gutter, street lighting facilities and appurtenance thereto and any other public improvement shall be submitted to the Village Engineer for review and approval before final disposition has been made of the subdivision plat.
- B. Fees required for the inspection of any public improvement shall be borne by the subdivider.
- C. All engineering plans, specifications and construction contracts shall be subject to the approval of the Village Engineer. (Ord. 234, 10-23-74, eff. 11-6-74)
- D. All public improvements are subject to final approval of the Village Engineer. (Ord. 262, 3-19-79)

10-2-14: **VARIATIONS:**

- A. Hardships: Where the Board finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may allow variations or exceptions to the regulations so that substantial justice may be done and the public interest secured; provided, that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter; and further

provided, the Board shall not allow variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented in each specific case that:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property;
 3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; and
 4. The granting of the variation will not be detrimental to public health, safety or general welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- B. Conditions: In its recommendations on variations and exceptions, the Board may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-15: PROCEDURE:

- A. A subdivider, before proceeding with the formal procedure outlined in this Chapter, is urged to ascertain the problems and requirements affecting the subdivision of his property. This may best be accomplished by a meeting with the Village Clerk and Village Engineer to determine general compliance and understanding of all related Village requirements.
- B. In order to provide any orderly basis for the processing of subdivision plans prior to approval, the Board of Trustees shall consider such plans in two (2) stages, as follows:
 1. Preliminary plan to be submitted with application for preliminary approval.

2. Final plat for recordation of all or part of a subdivision to be submitted with the required supporting data and documents together with application for final approval.

The formal, step-by-step procedure for approval of preliminary plans and final record plats is established in Section 10-5-1 of this Title.

- C. The Board, in the examination of subdivision plats for approval, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to width and location of streets, suitable sanitary utilities, surface drainage, lot sizes and arrangements as well as local requirements for parks, streets, schools, recreation sites and/or other public uses.
- D. The Board shall not approve any plat of subdivision of land which does not make adequate provision for storm or flood water runoff channels, basins or sewers.
- E. In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features.
- F. Where a residential subdivision adjoins a railroad right of way, a waterway, an industrial area, a business area or other land use which would have a depreciating effect on the residential use of the property, a buffer planting strip five feet (5') in width and suitably planted to form a screen and/or fence may be required by the Board.
- G. In cases of preliminary plans for parts of tracts, where it appears necessary to the Board for the satisfactory over-all development of an area, an owner may be required to prepare a plan of utilities and streets for his entire tract based upon proper topographic surveys before approval of any portion of such plan is rendered.
- H. A subdivider may avail himself of the opportunity to obtain the determinations of the Board in regard to a central platting feature affecting his property prior to the preparation of detailed plans. (Ord. 234, 10-23-74, eff. 11-6-74)

10-2-16: **PENALTY:** Any person who shall violate any of the provisions of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 234, 10-23-74, eff. 11-6-74; 1995 Code)

CHAPTER 3
DESIGN STANDARDS

SECTION:

10-3-1:	Minimum Standards
10-3-2:	Streets
10-3-3:	Intersections
10-3-4:	Street Names
10-3-5:	Easements
10-3-6:	Alleys
10-3-7:	Block Standards
10-3-8:	Lot Standards

10-3-1: **MINIMUM STANDARDS:** The following requirements are hereby established as the minimum standards of subdivision design of public improvements required to be constructed or installed therein. (Ord. 234, 10-23-74, eff. 11-6-74)

10-3-2: **STREETS:**

- A. A public street or streets shall be provided to afford convenient access to all property within the subdivision. No private street, right of way or thoroughfare shall be permitted.
- B. The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets; reasonable circulation of traffic within the development; topographical conditions; runoff of storm water; public convenience and safety; and in their appropriate relationship to uses in the area to be served.
- C. Minor streets shall be so aligned that their use by through traffic shall be discouraged.

- D. Where, in the opinion of the Board, it is desirable to provide for street access to adjoining property, the proposed streets shall be extended by dedication to the boundary of such property.
- E. The minimum width of right of way on any classification of street shall be fifty four feet (54'). The minimum width of pavement in residential areas shall be twenty feet (20'), with a six inch (6") deep gravel apron of eight feet (8') in width on each side of the pavement. The minimum width of pavement in a B-3 business area shall be forty feet (40'). Such pavement shall have an eight inch (8") gravel base covered with an A-3 surface.
- F. When any subdivision or part of a subdivision is adjacent to only one side of an existing right of way, which is less than the required width, the subdivider shall dedicate additional right of way to meet the requirement in accordance with this regulation.
- G. In general, the minimum right of way of a cul-de-sac street shall be fifty feet (50') with a minimum diameter of turnaround at the property line of one hundred feet (100'), and an outside roadway diameter of eighty feet (80'). The length of a cul-de-sac street shall not exceed six hundred feet (600'). Each cul-de-sac street, however, shall be considered by the Board on its individual merit. Pavement width, length and desirability shall be subject to the recommendation of the Board.
- H. Where deemed necessary, the Board may require access streets to service areas fronting on major streets.
- I. Curves in streets shall be permitted, provided a curve is inserted with a radius of three hundred feet (300') for major streets and one hundred fifty feet (150') for minor streets for all deflection in horizontal center lines in excess of ten degrees (10°).
- J. Drainage gradients of streets shall be five-tenths percent (0.5%) where possible and in no case less than four-tenths percent (0.4%). Street grades shall not exceed five percent (5%) on major streets nor seven percent (7%) on minor streets. Street grades shall be such as to provide natural surface drainage of storm water regardless of the presence of storm sewer facilities. The intent of this requirement is to avoid depressions greater than one foot (1') in depth along any given street profile which will flood in flash storms for which available drainage is inadequate. (Ord. 234, 10-23-74, eff. 11-6-74)

- K. All lots shall be provided with entrance culverts at least fifteen inches (15") in diameter, extending a minimum of two feet (2') on each side of the driveway. Culverts shall be of reinforced concrete or standard culvert pipe. Each street intersection shall have culverts of at least fifteen inches (15") in diameter, extending a minimum of two feet (2') on each side of the roadway. (Ord. 262, 3-19-79)

10-3-3: INTERSECTIONS:

A. Layout:

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty five degrees (85°) shall not be approved. The intersection of more than two (2) streets shall be avoided unless specific conditions of design dictate otherwise.

2. Right of way and pavement widths shall be as follows:

	<u>Right of Way</u>	<u>Pavement Width</u>	<u>6" Gravel Apron</u>
Residen- tial	54 feet	20 feet	8 feet on each side of pavement
Business	54 feet	40 feet	None

- B. **New Intersections:** Proposed new intersections along one side of an existing road or street shall, wherever practicable, coincide with any existing intersections on the opposite side of such road or street. Street jogs with center line offsets of less than one hundred fifty feet (150') shall not be permitted, except where the intersected street has separate dual drives without median breaks at either intersection.
- C. **Visibility; Traffic Hazards:** Where any street intersection will involve banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut ground and/or vegetation, including trees, in connection with the grading of the public right of way to the extent deemed necessary to provide adequate sight distance. (Ord. 234, 10-23-74, eff. 11-6-74)

10-3-4: **STREET NAMES:** Proposed streets which are obviously in alignment or continuation of existing streets already named shall bear the name of such existing streets. In no case shall the name for proposed streets duplicate existing street, road, boulevard, drive, place or court or an abbreviation thereof. Street names shall be approved by the Board. (Ord. 234, 10-23-74, eff. 11-6-74)

10-3-5: **EASEMENTS:** Where no alleys are provided, there shall be dedicated easements of not less than ten feet (10') in width for poles and wires and not less than twenty feet (20') in width for underground conduits, storm and sanitary sewers, gas, water or other utility pipes or lines. Such easements shall be established along the rear of each lot and along side lot lines where necessary to provide a proper continuity for such utilities from lot to lot and from block to block. No structures shall be constructed upon the easements. Additional easements shall be provided for utilities and other public services and requirements in order to provide proper operation and maintenance of said facilities. (Ord. 234, 10-23-74, eff. 11-6-74)

10-3-6: **ALLEYS:** Alleys shall not be permitted in residential areas. Alleys shall be provided in commercial and industrial districts except that the Board may waive this requirement if alternative provision is made for service access. The right-of-way width of an alley shall be twenty feet (20'). Dead-end alleys shall not be permitted. (Ord. 234, 10-23-74, eff. 11-6-74)

10-3-7: **BLOCK STANDARDS:** In general, blocks shall not exceed one thousand three hundred feet (1,300') in length between street center lines with a practical maximum being one thousand two hundred feet (1,200'). Blocks shall not be less than two hundred forty feet (240') in width. Block lengths and widths shall be coordinated with the development of the land and shall be provided in a manner that will allow proper traffic flow and pedestrian area. (Ord. 234, 10-23-74, eff. 11-6-74)

10-3-8: **LOT STANDARDS:**

- A. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

- B. Residential lots on a cul-de-sac shall have a width not less than thirty feet (30') at the street property line.
- C. Residential lots located outside of the Village limits and not served by public sewer and water systems shall not be less than one acre in size and shall otherwise conform in all respects to the Tazewell County Zoning Ordinance, as amended.
- D. No lot shall be less than one hundred ten feet (110') in depth. Interior lots shall have no less than seventy five feet (76') of frontage. In no case shall an interior lot contain less than eight thousand two hundred fifty (8,250) square feet of land. Corner lots shall have no less than ninety feet (90') of frontage. In no case shall a corner lot contain less than nine thousand nine hundred (9,900) square feet of land.
- E. The minimum depth of building setback lines from the street shall be not less than thirty feet (30'). (Ord. 234, 10-23-74, eff. 11-6-74)

CHAPTER 4

REQUIRED IMPROVEMENTS**SECTION:**

- 10-4- 1: Compliance Required
- 10-4- 2: Sewers
- 10-4- 3: Water Supply
- 10-4- 4: House Services
- 10-4- 5: Street Improvements
- 10-4- 6: Sidewalks (Pedestrian Ways)
- 10-4- 7: Street Lighting
- 10-4- 8: Name Signs
- 10-4- 9: Trees (Planting)
- 10-4-10: Public Utilities
- 10-4-11: Use of Existing Streets
- 10-4-12: Monuments
- 10-4-13: Costs Borne by Subdivider
- 10-4-14: Increased Facilities
- 10-4-15: Inspection
- 10-4-16: Acceptance of Public Improvements
- 10-4-17: Guarantee of Improvement Completion; Surety Bond
- 10-4-18: Building for Habitation

10-4-1: **COMPLIANCE REQUIRED:** No final plat shall be approved by the Board of Trustees until the Village Engineer has certified that the plans and specifications for the proposed public improvements meet the minimum requirements of the Village, County, State and other authorities having jurisdiction, and that improvements comply with the following provisions of this Chapter. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-2: **SEWERS:** Sanitary sewer lines, including sewer stub terminals to the property line of each lot, shall be installed to serve all properties in the subdivision in accordance with standards of the State of Illinois Sanitary Water Board, this Chapter, and the Village

Engineer when sanitary sewer system is provided by the Village or other public authority. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-3: WATER SUPPLY:

- A. Water distribution facilities, including cast iron or plastic supply mains of not less than six inches (6") in diameter, cast iron fittings, valves and water stub terminals to the property line of each lot shall be installed to serve all properties within the subdivision. The size of the supply mains shall not be less than six inches (6") and may be increased if the Village Engineer determines that the water pressure is not sufficient for firefighting purposes. (Ord. 237, 6-16-75)
- B. The water supply system shall be designed in accordance with the requirements of the State Sanitary Water Board and shall be constructed with the approval of the Village Engineer and Board of Trustees.
- C. Where a water main is located under the traveled portion of a right of way, it shall be surrounded by a gravel-filled trench.
- D. Fire hydrants shall contain their own valve system and shall be located along each right of way at intervals of no more than five hundred feet (500') and hydrants will also be located at the closed end of each cul-de-sac. Further, a hydrant shall be provided at all dead-ends of future main extensions for the purpose of flushing the mains.
- E. The water pressure of such hydrants shall test at twice the level of operating pressure. (Ord. 234, 10-23-74, eff. 11-6-74)
- F. All water mains shall be buried to a minimum depth of five feet (5'). (Ord. 262, 3-19-79)

10-4-4: HOUSE SERVICES:

- A. 1. House services shall be constructed to connect with the utility service mains constructed within any public street or easement to serve each adjoining lot, tract or building site; such house services shall extend from the main to not less than two feet (2') beyond the easement line or within five feet (5') of the property line if the main is in or on a public street. (Ord. 234, 10-23-74, eff. 11-6-74)

2. Each house shall have its own connection to the utility service main. House service pipes shall be a minimum of three-fourths inch ($\frac{3}{4}$ ") diameter of metal pipe, except that multiple-family dwellings shall have a water service pipe which shall be one inch (1") minimum diameter and shall be metal. All service pipes shall be buried to a minimum depth of five feet (5'). (Ord. 262, 3-19-79)
- B. All such house services connected with utility mains constructed within any street or easement shall be located at the approximate center line of each lot, and no deviation shall be made from this requirement except upon prior approval of the Superintendent of Public Works.
- C. Upon completion of the construction in place of all such house service connections, an accurate map or maps showing the exact location of all such mains, together with manholes, shut-off valves, house service connections and other similar facilities being a part thereof, shall be filed by the subdivider in the office of the Village Clerk and Village Engineer. (Ord. 234, 10-23-74, eff. 11-6-74)
- D. Curb cocks shall be placed at the outside edge of the sidewalk.
- E. Each dwelling unit shall have a water meter, with a remote readout placed on the outside wall of the building. (Ord. 262, 3-19-79)

10-4-5: STREET IMPROVEMENTS:

- A. The full width of the public right of way shall be graded, including the subgrade of the areas to be paved. All stumps, trees that cannot be saved, boulders and similar items shall be removed.
- B. All streets shall be improved with pavements to an overall width in accordance with the minimum dimensions as set forth in Chapter 3 of this Title (8" gravel plus A-3 surface).
- C. All streets shall be improved to the specification of the Department of Transportation and the Building Division of Highways, State of Illinois, where applicable.
- D. All block corners shall have radii of not less than twenty feet (20'). Where an angle of intersection of less than ninety degrees (90°), curb radii shall be increased as the Board shall require.

- E. All parkways within the dedicated street area shall be graded in an approved manner. (Ord. 234, 10-23-74, eff. 11-6-74; 1995 Code)

10-4-6: **SIDEWALKS (PEDESTRIAN WAYS):** Concrete sidewalks shall be provided alongside streets of all subdivisions. All sidewalks shall be four feet (4') in width and shall be installed in accordance with Village specifications. In residential neighborhoods sidewalks may be in the street right of way or on individual properties. All residential sidewalks shall be at least five feet (5') from the outer gravel line. Sidewalks for business areas will be six feet (6') wide and shall be in the street right of way. Upon the completion and sale of seventy five percent (75%) of a subdivision block, sidewalks must be installed for that block. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-7: **STREET LIGHTING:** Street light poles shall be of wood, treated to be rot and termite resistant. Lighting fixtures and poles shall be new. If concrete or steel poles are used, such poles shall meet the specifications of the Village Engineer. (Ord. 262, 3-19-79)

10-4-8: **NAME SIGNS:** Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the Village and shall be placed in accordance with standards of the Village. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-9: **TREES (PLANTING):** Trees and plants in accordance with Village specifications shall be planted along all streets at a time designated by the Village Board. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-10: **PUBLIC UTILITIES:**

- A. Where telephone, electric and gas service lines are installed, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, aboveground structures identified with said underground facilities shall be located so as not to be unsightly or hazardous to the public.

- B. All drainage and utility installations which traverse privately-owned property shall be protected by easements. (Ord. 234, 10-23-74, eff. 11-6-74; amd. Ord. 462, 3-19-79)

10-4-11: **USE OF EXISTING STREETS:** The Board shall designate the streets to be used for access to the subdivision by all equipment and trucks engaged in the construction of all public improvements, utility services and buildings. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-12: **MONUMENTS:** Metal monuments three-fourths inch ($\frac{3}{4}$ ") in diameter and three feet (3') in length shall be placed in the ground at all lot corners, intersections of streets, intersections of streets and alleys with platted boundary lines and at all points on street, alley and boundary lines where there is a change in direction or curvature. All Federal, State, County, local or other bench marks, monuments or triangulation stations in or adjacent to the development shall be presumed in precise position. All monuments shall be properly set in the ground before the streets and alleys are accepted by the Village. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-13: **COSTS BORNE BY SUBDIVIDER:** The costs of installation of all utilities required by State standards shall be borne by the subdivider. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-14: **INCREASED FACILITIES:** Where sanitary sewer, storm sewer or water facilities are made larger than is immediately required to serve the land described in the final plat, due to the necessity of serving adjacent and/or presently vacant property as it shall be developed in the future by others, the subdivider shall be reimbursed for such additional costs on the following terms and conditions:

- A. The Village Engineer shall determine the cost of such storm sewer, sanitary sewer and/or water facilities as are required to serve only the immediate needs of the property described in the plat. The Engineer will also determine the cost of such facilities actually required to serve the plat in question and the adjacent land when developed.

- B. The difference in cost in the above determinations shall be paid to the original developer by the developers of adjacent properties. At the time the adjacent properties are submitted for subdivision, the Engineer shall apportion the benefit received by the adjacent property developer by reason of the increased facilities. The adjacent property developer shall pay the sum of money equal to his proportionate share of the cost of the increased facilities.
- C. The Village may, as determined by the Board of Trustees, act as the collecting agent in regard to increased facility sharing. In such cases, an administrative handling charge of five percent (5%) shall be applied to the adjacent developer's share and retained by the Village. Upon receipt of such proportionate share payment by the adjacent property developer, the Village shall reimburse the developer who originally installed the increased facilities. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-15: **INSPECTION:** All required public improvements to be installed under the provisions of this Chapter shall be supervised and inspected during the course of construction by the Village Engineer and/or other qualified and authorized employees of the Village. The subdivider shall bear the costs of all such inspections. Final acceptance by the Village will be contingent on the subdivider's consulting engineer certifying in writing that this subdividing and improvements have been constructed in accordance with plans, specifications and Village ordinances and final approval by the Village Engineer, in writing. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-16: **ACCEPTANCE OF PUBLIC IMPROVEMENTS:** Where the plat of a subdivision contains improvements (including public streets and easements) to be dedicated to the Village, approval by the Board of Trustees of the final plat shall not constitute an acceptance by the Village of such improvements, notwithstanding the act of any officer, agent or employee of the Village. The acceptance of all public improvements shall be made only by the adoption of a resolution by the Board of Trustees after there has been filed with the Village Clerk a certification by the Village Engineer stating that the individual public improvements required to be constructed or installed have been fully completed, and that the inspected construction or installation thereof has been approved by him. Such certification by the Engineer shall be made upon satisfactory completion of all, or individual, public improvements constructed and installed in accordance with applicable plans and specifications. The sub-grade, base course and surface course of a street, alley or parking area shall be

collectively considered as a single, or individual, public improvement. Acceptance of an individual public improvement shall constitute release of the applicable portion of the performance surety. (Ord. 234, 10-23-74, eff. 11-6-74)

10-4-17: **GUARANTEE OF IMPROVEMENT COMPLETION; SURETY BOND:** The Village shall require that an appropriate and adequate surety bond be provided by the subdivider to insure the construction of required improvements in a satisfactory manner and within a reasonable time as specified from time to time by the Board of Trustees, but if a time limit is not so established by the Board of Trustees, then such improvements shall be completed within two (2) years of the date of approval of the final plans of such improvements. Extensions of such time limit may be granted by the Board of Trustees from time to time upon such conditions and for such periods of time as deemed reasonable and necessary in the public interest. The bond shall be payable to the Village in a sum at least equal to the cost of construction of the improvements as estimated by the Village Engineer, and it shall be in a form, with surety and conditions, approved by the Village Attorney. Such a bond will not be required for part of a subdivision located outside the Village limits if a similar performance guarantee has been provided to Tazewell County. (Ord. 291, 12-2-80)

10-4-18: **BUILDING FOR HABITATION:** No building for habitation shall be erected on any lot or parcel of land within the Village and no building permit shall be issued with respect thereto unless a highway, road, street and public right of way for public service facilities, water mains and sanitary sewers are provided to serve said lot or parcel of land in the manner and in accordance with the public improvement design standards and standard specifications set forth in this Chapter, except that building permits may be issued for habitable construction on all existing private roads when such permit is accompanied by properly recorded easements in lieu of public right-of-way dedication. (Ord. 234, 10-23-74, eff. 11-6-74)

CHAPTER 5

PRELIMINARY PLAN

SECTION:

- 10-5-1: Submission
- 10-5-2: Specifications
- 10-5-3: Proposed Plan
- 10-5-4: Filing Fee
- 10-5-5: Board of Trustees, Action

10-5-1: **SUBMISSION:** Every proposed subdivision or resubdivision of land shall be submitted to the Village Clerk for transmittal to the Board for approval in the form of a tentative plan prior to the submission of a final record plat. The preliminary plan is not intended to be a final record plat and must be prepared in such form as not to be confused with a final record plat. Its purpose is to show graphically all facts needed to enable the Board and other public bodies to determine whether the proposed development of the land in question is satisfactory from the standpoint of the public interest. The preliminary plan shall be prepared by a qualified technician, trained and experienced in the layout of subdivisions. (Ord. 234, 10-23-74, eff. 11-6-74)

10-5-2: **SPECIFICATIONS:** The following graphic and descriptive items are normally required to be shown on the preliminary plan and the accompanying application for approval. The lack of information supplied by the applicant shall be cause for disapproval of the preliminary plan.

A. **Application:** Written application by the subdivider shall accompany each preliminary subdivision plan, and contain the following information:

1. **Name for File Identification:** The proposed development shall be given a name for identification purposes, such name being unique to

the South Pekin area to avoid duplication and confusion with previously recorded plats.

2. Location and Description of Property: Location of property by township, section number, subdivision (with block and lot numbers), place or locality name as applicable shall be specified, and in case of unsubdivided properties, location on roads by which property is reached, such as "On south side of Washington Avenue, .25 miles westerly from its intersection with Oakwood".

3. Basic Facts and Proposals Pertaining to the Property:

a. Size of tract in acres or of existing lots, if any, in square feet.

b. Existing zoning classification of property under the City or Tazewell County Zoning Ordinance and any rezoning proposed to be requested.

c. Number of lots proposed in subdivision.

d. Area of lots proposed; minimum, average and maximum.

e. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use.

4. Information as to Ownership:

a. Name, address and telephone number of the legal owner or agent of property and statement of last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date and land records involved.

b. Display of any existing legal rights of way or easements affecting the property.

c. Listing of any existing covenants on the property, if any.

d. Name, address and telephone number of engineer, surveyor and/or technician responsible for surveys and for subdivision design shown on preliminary plan as submitted.

B. The Drawing:

1. Three (3) prints or copies of the preliminary subdivision plan should be prepared and submitted to the Village Clerk. If the proposed subdivision lies wholly or partly outside the corporate limits, four (4) copies of the proposed plan shall also be filed with the Board of Supervisors of Tazewell County.

2. The preliminary plan shall be drawn at a scale suitable to the project involved. For the average development, a scale of one hundred feet to the inch (1" = 100') is preferable. For very small areas a larger scale should be used. Northpoint and date shall also be shown.

3. Each separate sheet shall be titled according to its subject matter and identified with the development. Any other appropriate identification of the land, scale, contour intervals, north arrow, date of preparation, etc. shall be included.

4. The source and accuracy of the boundary outline and all data shown on the preliminary plan shall be certified by a qualified registered professional engineer or registered land surveyor in the State of Illinois.

5. A vicinity sketch or small scale key map of the area surrounding the property to be developed shall be included.

C. Existing Features:

1. Every preliminary plan shall show clearly the extent and condition of the property which is proposed to be subdivided, together with sufficient information with respect to existing conditions in adjoining properties which will enable proper determinations to be made as to the suitability of the proposed subdivision.

2. The boundary of the property shall be shown by bold lines. The bearing and distance of each course in the boundary outline shall be provided.

3. The true relationship between the boundary of the property and the right of way existing road upon which it may border, together with the location of existing improvements in such right of way shall also be provided.

D. Additional Information:

1. The location and name of all adjacent subdivisions, if any, and names of owners of adjacent unsubdivided property.
2. The location, name and present width of right of way and paving or improved surfacing for all adjacent roads, streets and alleys, including those intersecting any road or street that bounds the property.
3. Identification by block and lot number of recorded lots or parcels immediately adjoining the subject property.
4. The location, width and type of use of any existing roads, rights of way, easements or other special purpose areas within the property, or immediately adjacent thereto, together with the location of any towers, poles, other structures in connection with electrical transmission lines.
5. Approximate location of any existing underground utilities, such as sewers, water mains, storm drains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe sizes and direction of slope.
6. Existing topography with contour intervals of not greater than two feet (2'), together with drainage channels, streams, springs, swamps, flood zones, rock outcrops, buildings, wooded areas, or other features likely to affect the plan. The source and accuracy of the topographic details shown on the plan shall be in terms of U.S.G.S. data and field survey.
7. Contours may be omitted from plans of small subdivisions or resubdivisions which do not involve the opening of new streets; provided however, that in any such case the Board may require in lieu thereof spot elevations at the corners of each proposed lot. (Ord. 234, 10-23-74, eff. 11-6-74)

10-5-3: **PROPOSED PLAN:** The preliminary plan shall show, superimposed upon the drawing of the property outlines and its existing features, a graphic representation of the subdivision, resubdivision or development which is being proposed for approval. The items to be shown, as applicable in each case, include the following:

A. Street Layout:

1. The right-of-way lines of all proposed streets, alleys, sidewalks or other rights of way to be dedicated for public use, including the widths thereof and the proposed use of special rights of way.
 2. Where the subdivision borders on an existing road or street which will require widening, the same is to be indicated by a new right-of-way line appropriately located to meet such requirements.
 3. Any existing streets which are proposed to be abandoned shall be shown in shaded pattern, or otherwise distinctly indicated.
- B. **Street Grades:** Each preliminary plan which includes proposed new streets, or new development along an existing road or street for which there is no established grade shall, in all cases, show proposed grades in the streets together with drainage arrows indicating direction of slope and elevations of intersections.
- C. **Lot and Block Layout:**
1. Layout showing proposed lot lines, scaled dimensions of lots, building restriction lines and any easement required. In resubdivisions, the existing lot lines shall be shown by dashed lines and dotted lot numbers.
 2. Lots and blocks shall be numbered so as to avoid duplication.
- D. **Sites for Public Use:** All sites proposed for schools, parks, playgrounds, water reservoirs or other public uses shall be so identified with scaled dimensions and approximate areas.
- E. **Sites for Other than Single-Family Dwellings:**
1. All sites proposed for uses other than single-family dwellings, such as churches, public utilities, shopping centers, multiple-family dwellings, general business or manufacturing, shall be so indicated with scaled dimensions and area for each such site; provided, that the proposed use is in accordance with the uses for which the property is actually zoned.
 2. When the property is included in more than one zoning classification, the lines showing the limits of each zoning classification shall be clearly indicated.
 3. A preliminary plan, or portion of such a plan, showing a proposed subdivision, resubdivision or a development intended for a use other

than that permitted by the existing zoning classification may be conditionally approved subject to the rezoning of the property to the proper classification for such intended use in accord with the applicable Zoning Ordinance¹.

4. In the case of a preliminary plan showing a proposed single-family residential development for a portion of a property with the remainder held for future development, possibly with the intention of applying for more intensive zoning at a later date, it is required that the street and block pattern for which approval is requested be extended in light dashed lines over the areas intended for future development in such a way as to indicate that such areas set aside can be satisfactorily subdivided for single-family residential use if the future rezoning is not accomplished.

5. For any lots proposed for multiple-family dwellings, the following items shall be shown:

a. Approximate location and shape of each structure.

b. Total number of dwelling units on each separate lot or parcel.

c. Gross and net residential acreage and density.

d. Parking areas to be provided on each lot with number of spaces on each. (Ord. 234, 10-23-74, eff. 11-6-74)

10-5-4: **FILING FEE:** A filing fee shall be paid to the Village at the time the preliminary plan is filed for approval. The fee shall be assessed in accordance with the following rates:

1 to 25 lots	\$100.00
26 to 50 lots	200.00
51 to 100 lots	300.00
More than 100 lots	400.00
(Ord. 234, 10-23-74, eff. 11-6-74)	

1. See Title 9 of this Code.

10-5-5: BOARD OF TRUSTEES, ACTION:

A. **Consideration of Proposed Plan:** The Board shall, after receiving the preliminary plan, consider the proposed plan of subdivision as represented by such supporting documents, and shall thereupon, within sixty (60) days, approve or disapprove of same. If the proposed plan of subdivision is not satisfactory, the Board may permit the subdivider to make the changes and additions required by the Board to meet the requirements of this Chapter before final action.

B. **Approval or Disapproval of Plan:** After the Board has satisfied itself that the preliminary plan is substantially in accordance with the requirements set forth in this Chapter, it shall then approve the preliminary plan, give conditional approval or reject it, as the case may be. If given conditional approval or rejected by the Board, a written statement as to the reason for not granting approval shall be transmitted to the subdivider.

1. Upon rejection of the preliminary plan, the plan shall be returned to the subdivider; such transmittal may include a written statement setting forth the reasons for said disapproval. If the proposed plan of subdivision as shown by said preliminary plan is approved by the Board, the original plan and one print or copy of the plan shall be endorsed as follows:

This proposed plan of subdivision and accompanying documents has received preliminary approval by the Board of Trustees of the Village of South Pekin and said Board is now ready to receive the final plat for consideration.

Dated _____
**BOARD OF TRUSTEES OF THE
VILLAGE OF SOUTH PEKIN**

By _____
PRESIDENT OF THE VILLAGE BOARD

2. The original of the preliminary plan so endorsed shall remain on file with the Village Clerk, and a copy of the plan so endorsed shall be returned to the subdivider.

3. If the proposed subdivision should lie wholly or partly outside the corporate limits of the Village, the Board's action on the preliminary

plat shall not be final until the Board of Supervisors of Tazewell County has approved it.

- C. **Authority to Proceed with Final Plat:** Receipt by the subdivider of the copy of the preliminary plan together with the approval of the Village Board and County, when required, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit such final plans and specifications to the Village Engineer. If the Village Engineer shall find such plans and specifications to be in accordance with applicable policies and standards of the Village and this Chapter, he shall authorize construction and determine the amount of bond if required as provided for in Section 10-4-17 of this Title. Following the approval of the Village Engineer, construction may be started, or the bond filed, if required, or an assessment provided. (Ord. 234, 10-23-74, eff. 11-6-74)

CHAPTER 6
FINAL PLAT

SECTION:

10-6-1:	Submission
10-6-2:	Requirements
10-6-3:	Specifications
10-6-4:	Recording

10-6-1: **SUBMISSION:** After approval by the Village Board and County (when required) of the preliminary plan, the subdivider shall, within twelve (12) months thereafter, submit the final plat or section thereof, to the Village Clerk for transmittal to the Board, together with one Van Dyke or sepia print and three (3) prints or copies. If desired, the subdivider may submit a final plat constituting only that portion of the approved preliminary plan which he proposed to record and develop at the time, provided such portion conform in all respects to all matters and things included in the preliminary plan insofar as they appertain to the portion of the entire subdivision which is desired to be developed at one time. (Ord. 234, 10-23-74, eff. 11-6-74)

10-6-2: **REQUIREMENTS:** The final plat of a subdivision shall not be approved unless:

- A. The subdivider agrees with the Village Board that the Village, under the Local Improvement Act¹, may construct improvements and assess to the cost thereof against the property benefited, or
- B. The improvements have been installed properly as determined by the written statement from the Village Engineer or a satisfactory guarantee of improved completion has been made according to Section 10-4-17 of this Title. (Ord. 234, 10-23-74, eff. 11-6-74)

1. S.H.A. 65 ILCS 5/9-2-1 et seq.

10-6-3: SPECIFICATIONS: The final plat shall be clearly and legibly drawn upon dimensionally stabilized material. The final plat and accompanying application for approval shall contain the following graphic and descriptive items. The lack of information under any item specified herein, or improper information supplied by the applicant, may be cited by the Board as cause for disapproval of a final plat.

A. Application for Approval: Written application by the subdivider for approval shall accompany each final plat and contain the following information:

Verification and/or correction of all information provided with the preliminary plan of the proposed subdivision.

B. The Drawing:

1. The final plat of subdivision shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall include all pertinent information as was shown and required on the preliminary plat. The final plat shall be drawn on one or more sheets whose maximum dimensions shall not exceed twenty four inches by thirty six inches (24" x 36"). If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheet or sheets. Linear dimensions are to be given on the final plat to the nearest one one-hundredth of a foot ($\frac{1}{100}$ ').

2. All boundaries, street lines and lot lines, plus any other lines pertinent to the plat, except contour lines, shall be neatly and clearly shown, together with sufficient data, accurately calculated, so that each line and property corner may be located and reproduced upon the ground.

3. Other information to be shown on plat:

a. Location of all survey monuments and their descriptions.

b. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and, thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

c. Calculations showing the error of closure, which error shall, in no case, be greater than one in five thousand (5,000).

d. If parks or open spaces are dedicated to the public use in subdivisions located outside of the corporate limits of the Village, the owner(s) of the subdivision will, by covenant, provide for the maintenance of the park or open spaces until such time as the subdivision is annexed by the Village.

C. **Street Profile Plan:** Street profile plans for each new street in the proposed subdivision shall be submitted to the Village Engineer for approval along with the final subdivision plat. In cases where the grades of the streets involved are already established, or in cases of small subdivisions or resubdivisions, such street profile plans may not be required as determined by the Village Engineer.

D. **Statement of Tax Status:**

1. The final plat shall have a statement thereon signed by the County Clerk showing that he finds no delinquent general taxes, unpaid current general taxes, delinquent special assessment taxes against land shown thereon.

2. The following certification by the Village Clerk shall also appear on the plat:

I hereby certify that there are no delinquent special assessments or unpaid current special assessments on the above described property.

Dated _____

Village Clerk

E. **Certification by Surveyor and Owner:**

1. Properly executed certification by the surveyor of the property shown on the plat is required in substantial conformance with typical examples as follows:

Surveyor's Certification:

I hereby certify that the plat shown hereon is correct; that it is a subdivision of (part of or all of) the lands conveyed by (insert name of former owner) to (insert name of present owner) by deed dated _____, and recorded with the County Recorder of Deeds, Tazewell

County, Illinois; and that stones, marked thus: "+", and iron pipe, marked thus: "0", will be placed in the ground as indicated hereon, in accordance with provisions of applicable ordinances of the Village of South Pekin, Illinois, after the streets are graded and paved or within eighteen (18) months after recordation of this plat, whichever shall occur first. The total area included on this plat is _____ acres and the area dedicated to roads and streets is _____ acres,

*Dated _____ (Signature) _____
Registered Land Surveyor
Illinois No. _____*

If the subdivision involves more than one conveyance to the markers of the plat, each such conveyance shall be cited and the quantity of land included on the plat out of each conveyance shall be stated in the certification. If the plat includes a resubdivision of any part of a subdivision previously recorded, the certification shall so state, giving the lot, block or other description and the previous plat reference.

2. Owner's Certification:

We, _____ and _____, his wife, owners of the property shown and described hereon, hereby adopt this plat of subdivision; establish the minimum building restriction lines; dedicate the roads, streets, alleys, walks and other areas indicated thereon to public use; and establish standard slope easements as required by the Subdivision Code, in addition to any other easements shown thereon.

There are no suits, actions at law, easements, restrictive covenants or rights of way affecting the property included in this plat of subdivision, except the following:

_____ (if none so state)

and all parties in interest thereto have hereunto affixed their signatures, indicating their assent to this plat or subdivision.

Witnessed: _____ *Date:* _____
 _____ *LS* _____
 _____ *LS* _____

We assent to this plat of subdivision.

Witnessed: _____ *Date:* _____
 _____ *LS* _____
 _____ *LS* _____

- F. Official Approval: When and if the Board of Trustees is satisfied with the final plat and with all improvements, deposits of money therefor, agreements, conditions and documents pertaining to the subdivision, the Board shall, by resolution, approve said plat and authorize and direct the President of the Board of Trustees and Clerk to sign the plat for and in the name of the Village of South Pekin and attach thereto the Corporate Seal, in the following form:

*APPROVED BY THE VILLAGE OF SOUTH PEKIN,
 ILLINOIS this ____ day of _____, A.D., 19__.*

PRESIDENT OF THE BOARD OF TRUSTEES
 (Ord. 234, 10-23-74, eff. 11-6-74)

CLERK

10-6-4: **RECORDING:** The Village Clerk shall retain such final plat, so approved, and shall cause such plat to be recorded in the office of the Recorder of Deeds of Tazewell County, Illinois, only upon satisfactory completion by the subdivider of all administrative details required by this Chapter. Said final plat, after recording shall remain on file in the office of the Clerk. Copies of the final plat, as recorded by the Clerk, shall be delivered to the subdivider. (Ord. 234, 10-23-74, eff. 11-6-74)

STORMWATER

TITLE 11
STORMWATER

Subject	Chapter
Nonstormwater Discharges	1
Erosion, Sediment And Stormwater Control	2
Stormwater Retention Requirements For The Improvement Of Lands For New Construction	3

CHAPTER 1

NONSTORMWATER DISCHARGES

SECTION:

- 11-1- 1: Purpose; Intent
- 11-1- 2: Definitions
- 11-1- 3: Applicability
- 11-1- 4: Responsibility For Administration
- 11-1- 5: Severability
- 11-1- 6: Ultimate Responsibility
- 11-1- 7: Discharge Prohibitions
- 11-1- 8: Suspension Of MS4 Access
- 11-1- 9: Industrial Or Construction Activity Discharges
- 11-1-10: Monitoring Of Discharges
- 11-1-11: Requirement To Prevent, Control, And Reduce Stormwater
Pollutants By The Use Of Best Management Practices
- 11-1-12: Watercourse Protection
- 11-1-13: Notification Of Spills
- 11-1-14: Enforcement
- 11-1-15: Appeal Of Notice Of Violation
- 11-1-16: Enforcement Measures After Appeal
- 11-1-17: Cost Of Abatement Of The Violation
- 11-1-18: Injunctive Relief
- 11-1-19: Compensatory Action
- 11-1-20: Violations Deemed A Public Nuisance
- 11-1-21: Criminal Prosecution
- 11-1-22: Remedies Not Exclusive

11-1-1: **PURPOSE; INTENT:** The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the village of South Pekin through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the national

pollutant discharge elimination system (NPDES) permit process. The objectives of this chapter are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter. (Ord. 440, 6-12-2006)

11-1-2: **DEFINITIONS:** For the purposes of this chapter, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: Employees or designees of the director of the municipal agency designated to enforce this chapter.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT: The federal water pollution control act (33 USC section 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY: Activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of five (5) acres or more. Beginning in March 2003, NPDES stormwater phase II permits will be required for construction projects resulting in

land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS:

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE:

Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in section 11-1-7 of this chapter.

ILLICIT CONNECTIONS:

An illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY:

Activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26 (b)(14).

<p>NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:</p>	<p>A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.</p>
<p>NONSTORMWATER DISCHARGE:</p>	<p>Any discharge to the storm drain system that is not composed entirely of stormwater.</p>
<p>PERSON:</p>	<p>Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.</p>
<p>POLLUTANT:</p>	<p>Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.</p>
<p>PREMISES:</p>	<p>Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.</p>
<p>STORM DRAINAGE SYSTEM:</p>	<p>Publicly owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and humanmade or altered drainage channels, reservoirs, and other drainage structures.</p>

STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN: A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (Ord. 440, 6-12-2006)

11-1-3: APPLICABILITY: This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. (Ord. 440, 6-12-2006)

11-1-4: RESPONSIBILITY FOR ADMINISTRATION: The discharge control administrator shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency. (Ord. 440, 6-12-2006)

11-1-5: SEVERABILITY: The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter. (Ord. 440, 6-12-2006)

11-1-6: ULTIMATE RESPONSIBILITY: The standards set forth herein and promulgated pursuant to this chapter are minimum

standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (Ord. 440, 6-12-2006)

11-1-7: DISCHARGE PROHIBITIONS:

- A. **Prohibition Of Illegal Discharges:** No person shall discharge or cause to be discharged into the municipal storm drain system or water-courses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than 1 ppm chlorine), firefighting activities, and any other water source not containing pollutants.
2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal environmental protection agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition Of Illicit Connections:

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. 440, 6-12-2006)

11-1-8: SUSPENSION OF MS4 ACCESS:

A. **Suspension Due To Illicit Discharges In Emergency Situations:** The discharge control administrator may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

B. **Suspension Due To The Detection Of Illicit Discharge:** Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency. (Ord. 440, 6-12-2006)

11-1-9: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES: Any person subject to an industrial or construc-

tion activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the discharge control administrator prior to the allowing of discharges to the MS4. (Ord. 440, 6-12-2006)

11-1-10: MONITORING OF DISCHARGES:

- A. **Applicability:** This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. **Access To Facilities:**
1. The discharge control administrator shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
 2. Facility operators shall allow the discharge control administrator ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 3. The discharge control administrator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 4. The discharge control administrator has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the

discharge control administrator and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the discharge control administrator access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

7. If the discharge control administrator has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. 440, 6-12-2006)

11-1-11: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES: The discharge control administrator will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit. (Ord. 440, 6-12-2006)

11-1-12: **WATERCOURSE PROTECTION:** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 440, 6-12-2006)

11-1-13: **NOTIFICATION OF SPILLS:** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the village of South Pekin within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. 440, 6-12-2006)

11-1-14: **ENFORCEMENT:**

A. Notice Of Violation: Whenever the discharge control administrator finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;

3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. (Ord. 440, 6-12-2006)

11-1-15: **APPEAL OF NOTICE OF VIOLATION:** Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within seven (7) days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final. (Ord. 440, 6-12-2006)

11-1-16: **ENFORCEMENT MEASURES AFTER APPEAL:** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within three (3) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 440, 6-12-2006)

11-1-17: **COST OF ABATEMENT OF THE VIOLATION:** Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within seven (7) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this chapter shall become liable to the village by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of nine percent (9%) per annum shall be assessed on the balance beginning on the first day following discovery of the violation. (Ord. 440, 6-12-2006)

11-1-18: **INJUNCTIVE RELIEF:** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. 440, 6-12-2006)

11-1-19: **COMPENSATORY ACTION:** In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 440, 6-12-2006)

11-1-20: **VIOLATIONS DEEMED A PUBLIC NUISANCE:** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. (Ord. 440, 6-12-2006)

11-1-21

11-1-22

11-1-21: **CRIMINAL PROSECUTION:** Any person that has violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of five hundred dollars (\$500.00) per violation per day and/or imprisonment for a period of time not to exceed one hundred eighty (180) days.

The authorized enforcement agency may recover all attorney fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. (Ord. 440, 6-12-2006)

11-1-22: **REMEDIES NOT EXCLUSIVE:** The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. 440, 6-12-2006)

July 2012

CHAPTER 2

EROSION, SEDIMENT AND STORMWATER CONTROL

SECTION:

- 11-2-1: Definitions
- 11-2-2: Prohibition
- 11-2-3: Standards For Design And Maintenance Of Control Measures
For Soil Erosion, Sediment And Stormwater
- 11-2-4: Maintenance Of Control Measures
- 11-2-5: Erosion And Sediment Control Permits
- 11-2-6: Enforcement And Stop Work Order Fee
- 11-2-7: Penalty
- 11-2-8: Appeals To Village Board

11-2-1: **DEFINITIONS:** For the purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:

CONTROL MEASURE: Any temporary or permanent measure to control erosion, sediment and stormwater runoff.

DISTURBED AREA: Any area of land on which the ground surface will be affected or altered by any land disturbing activity.

EROSION CONTROL ADMINISTRATOR: The person appointed by the village to administer this chapter.

5-YEAR FREQUENCY STORM EVENT: The storm event rainfall depth during a twenty four (24) hour period which is exceeded, on the average, once every five (5) years.

LAND DISTURBING ACTIVITY: Any change in land, which may result in soil erosion from water or wind and the movement of sediments into state or county waters or onto

lands in the county, or a change in the amount and/or intensity of stormwater runoff, including, but not limited to, the covering with an impervious surface, stockpiling, clearing, grading, excavating, rehabilitating, transporting, depositing or filling of land.

PERIMETER CONTROL:

Any control measure installed between the down slope side of the disturbed area and the property line and/or between the down slope side of the disturbed area and any area of concentrated flow.

PERMIT SITE:

The lot or parcel for which an erosion and sediment control permit is issued.

STANDARDS:

The Illinois environmental protection agency's "Illinois Urban Manual, A Technical Manual Designed For Urban Ecosystem Protection And Enhancement" published in 1995 and "Illinois Procedures And Standards For Urban Soil Erosion And Sedimentation Control" published in 1988 by the urban committee of the Association Of Illinois Soil And Water Conservation Districts now in effect, or as hereafter amended, which is incorporated by reference herein as "standards".

VILLAGE:

Village of South Pekin. (Ord. 441, 6-12-2006)

11-2-2: PROHIBITION: No person shall engage in any land disturbing activity on property within the village unless an erosion and sediment control permit has been issued for such land disturbing activity, except as follows:

- A. Land disturbing activities (other than the construction of new single- or two-family dwellings) for which the disturbed area is less than five thousand (5,000) square feet;
- B. Activities associated with the preparation and tilling of land for the purposes of growing crops, or raising livestock, which may include, but are not limited to, the construction of conservation measures, plowing, disking and cultivating; or

- C. Routine maintenance of roads, accessways and utility lines. (Ord. 441, 6-12-2006)

11-2-3: STANDARDS FOR DESIGN AND MAINTENANCE OF CONTROL MEASURES FOR SOIL EROSION, SEDIMENT AND STORMWATER:

- A. Erosion And Sediment Control Measures: All control measures required under this chapter shall conform to the standards now in effect or as hereafter amended. All control measures installed shall be sufficient to prevent sediment from leaving the permit site during a 5-year frequency storm event. When sediment does leave the permit site, the owner, developer or contractor shall remove the sediment by the end of the workday. For example, installing a rock construction drive or cleaning tires could be used to minimize tracking of sediment onto public roads. (Ord. 441, 6-12-2006)

11-2-4: MAINTENANCE OF CONTROL MEASURES:

- A. Erosion, Sediment, And Temporary Stormwater Control Measures: Control measures shall be constructed and functional prior to initiating any land disturbing activity. Control measures are to be maintained so they are operating effectively until permanent ground surface protection is established in a manner specified in the applicable permit issued pursuant to this chapter.

Control measures (including, but not limited to, perimeter controls) shall remain in place until the ground is stabilized with permanent ground cover. The intent of this chapter is to keep the sites protected at all times until the ground is permanently stabilized. When temporary control measures need to be removed in order to establish permanent ground cover, the temporary control measures may be removed if one of the conditions listed below will be met. In no way does adhering to one of the conditions below relieve the owner of responsibility to clean up or repair any damages caused from sediment or stormwater runoff leaving the permit site.

1. Permanent ground cover shall be established with pavement, aggregate or sod within three (3) days of the removal of sediment barriers.

2. Permanent vegetation shall be established by seeding with anchored mulch within three (3) days of removal of sediment barriers

during the spring or fall seeding periods. However, on project areas with slopes not exceeding five percent (5%), permanent vegetation shall be established by seeding within three (3) days of the removal of sediment barriers during the spring or fall seeding periods. Summer seeding is acceptable on project areas which shall be watered. This does not apply to concentrated flow areas.

- B. **Additional Control Measures:** The erosion control administrator may require additional control measures pursuant to the standards at any time if determined as such after any site inspection. (Ord. 441, 6-12-2006)

11-2-5: **EROSION AND SEDIMENT CONTROL PERMITS:** Before commencing land disturbing activity not exempted under section 11-2-2 of this chapter, the owner of the land, or his representative, shall be required to file an application for an erosion and sediment control permit.

- A. **Application:** The applicant shall file the application with the village on forms provided by the village. The fee for an application shall be one hundred twenty five dollars (\$125.00) for each permit. However, no fee shall be required for any project which is agricultural, or initiated by a local unit of government. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.
- B. **Application Review:** Review of an erosion and sediment control permit application shall be limited to verifying that the required information and permit fee have been provided and that it meets the standards. The erosion control administrator shall approve or deny the application within five (5) working days of the filing of a completed application. If the permit is denied, it shall be returned to the applicant with a written explanation of its denial. The application shall be deemed approved if no response is made within the time frames provided above.
- C. **Duration:** The erosion and sediment control permit shall be issued for a period not exceeding two (2) years.
- D. **Content Of Erosion And Sediment Control Permit:** The erosion and sediment control permit shall, by this reference, contain the following general conditions (whether or not these conditions are stated in the permit itself):

1. That written approval be obtained from the erosion control administrator prior to making any modification to the erosion and sediment control plan set forth in the application; and
2. That all control measures identified in the application shall be installed; and
3. That all control measures shall be maintained during the construction; and
4. Such other conditions as the erosion control administrator deems appropriate to ensure compliance with the specific requirements and intent of this chapter. (Ord. 441, 6-12-2006)

11-2-6: **ENFORCEMENT AND STOP WORK ORDER FEE:** This chapter shall be administered and enforced by the erosion control administrator, who shall make or cause to be made, periodic inspections of all work authorized by permits issued in accordance with this chapter to ensure that said construction is in compliance with the provisions of the same; he shall make or cause to be made, investigations of violations of this chapter and shall cause any violations to be corrected.

Any permit issued pursuant to this chapter shall be revoked by the erosion control administrator when he finds from personal inspection or from competent evidence that the rules, regulations or standards under which said permit was issued are being violated. To defray costs of administering stop work orders posted by the erosion control administrator as a result of a violation of any of the terms of this chapter, a fee of one hundred fifty dollars (\$150.00) plus ten dollars (\$10.00) per day that violation exists per stop work order will be charged. (Ord. 441, 6-12-2006)

11-2-7: **PENALTY:** The violation of any of the terms of this chapter shall constitute an offense punishable by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), with each day the violation remains uncorrected constituting a separate offense. Such fine is in addition to any other remedy provided by law. (Ord. 441, 6-12-2006)

11-2-8: **APPEALS TO VILLAGE BOARD:** Any person directly aggrieved by any decision, order, requirement or determination of the erosion control administrator made pursuant to this chapter shall

have the right to appeal such action to the village board. Such appeal shall be made within thirty five (35) days from the date of the action appealed from, shall be filed in writing, and shall include a short, concise statement of why the action is being appealed. The fee for such an appeal shall be forty five dollars (\$45.00) payable to the village and is due with the appeal. In addition, the person filing the appeal shall pay all required publication costs associated with the appeal.

Upon receipt of a notice of appeal the village shall put the appeal on the agenda for the next village board meeting. The village board may affirm, modify or reverse any appealed action. (Ord. 441, 6-12-2006)

CHAPTER 3

**STORMWATER RETENTION REQUIREMENTS
FOR THE IMPROVEMENT OF LANDS
FOR NEW CONSTRUCTION**

SECTION:

- 11-3-1: Responsibility; New Development
- 11-3-2: Responsibility; New Construction
- 11-3-3: Requirements
- 11-3-4: Facilities
- 11-3-5: Maintenance Of Facilities
- 11-3-6: Inspections
- 11-3-7: Written Approval From Village Engineer
- 11-3-8: Violation; Penalty

11-3-1: **RESPONSIBILITY; NEW DEVELOPMENT:** It shall be the responsibility of the owner, his agent or his contractor to assure that any new development of previously undeveloped land and any improvement of land shall meet all stormwater retention requirements as set forth in section 11-3-3 of this chapter. "New development" does not include the building of one individual residential house. (Ord. 443, 6-19-2006)

11-3-2: **RESPONSIBILITY; NEW CONSTRUCTION:** In particular, but not by way of limitation, it shall be the responsibility of the owner, his agent or his contractor to assure that any new construction and any improvement of land shall meet all stormwater retention requirements as set forth in section 11-3-3 of this chapter. (Ord. 443, 6-19-2006)

11-3-3: **REQUIREMENTS:** Stormwater retention requirements shall be established by the village engineer based on the rational method for estimating peak runoff rate for a specified design storm. The allowable runoff rate before development, Q_a , and the peak runoff rate after development, Q_p , shall be determined. The required storage volume shall be the difference in runoff rates ($Q_p - Q_a$) times the duration of the design

storm. The owner, his agent, or his contractor shall propose a stormwater retention facility which provides the required storage volume and which restricts the rate of stormwater discharge from the allowable runoff rate, Q_a . Developments which are larger, complex or extra sensitive to drainage considerations may require more sophisticated analysis. The municipality maintains the right to determine adequacy of stormwater detention.

METHOD OF COMPUTING STORMWATER RETENTION AND ALLOWABLE DISCHARGE RATE

Rational method:

$$Q = C.I.A.$$

Q = Resultant runoff rate in cubic feet per second (c.f.s.)

C = Coefficient of runoff:

before development (agriculture) = 0.25

grass = .30

rooftops and paved areas = .95

r-1 residential = 0.50

I = Intensity of rainfall = 4"/hr. for 15-min. duration for design storm

A = Area in acres

1. Determine area of entire site (in acres), A
2. Determine area of paved ground and rooftops (in acres), A_1
3. Determine area of grass (in acres), A_2
4. Determine allowable runoff rate, Q_a , as follows:

$$Q_a = 0.35 \times 4 \times A \text{ (c.f.s.)}$$

5. To find if retention is needed, compute the following:

A. $Q_1 = .95 \times 4 \times A_1$

B. $Q_2 = .30 \times 4 \times A_2$

C. $Q_p = Q_1 + Q_2$ (Runoff rate after development) c.f.s.

If Q_p is greater than Q_a , retention is required.

6. Determine required retention: volume, V , as follows:

$$V = (Q_p - Q_a) \times 15 \text{ minutes} \times 60 \text{ seconds/minute (cubic feet)}$$

(Ord. 443, 6-19-2006)

11-3-4: **FACILITIES:** All stormwater retention facilities or devices shall be designed in a manner to minimize the need for maintenance and reduce the chance of failure. Stormwater easements and covenants shall be provided by the property owner for access for facility inspection and maintenance. All final design of facilities shall be approved by the village engineer prior to building permits being issued. (Ord. 443, 6-19-2006)

11-3-5: **MAINTENANCE OF FACILITIES:** All stormwater facilities shall be routinely maintained according to IEPA requirements, and as provided in the permit. The person(s) or organization(s) responsible for the maintenance of the facilities shall be designated in the plan, and shall either be the property owner or a homeowners' association. With regard to nonroutine maintenance (such as infrequent but expensive activities as pond dredging or major repairs to the facilities), the same shall be performed on an as need basis based on information gathered during regular inspections by landowner and/or the village at the cost to the landowner or homeowners' association. If either routine or nonroutine maintenance is not completed in a timely manner by the landowner or homeowners' association then the same may be completed by the village at the owner's expense. (Ord. 443, 6-19-2006)

11-3-6: **INSPECTIONS:** The person(s) or organization(s) responsible for maintenance shall inspect stormwater facilities on a regular basis, as outlined in the plan, but not less than one time per year. Authorized village representatives may enter at reasonable times to conduct on site inspections or maintenance. Landowners and/or organization(s) responsible for said inspections shall file with the village inspection and maintenance reports at least one time per year. (Ord. 443, 6-19-2006)

11-3-7: **WRITTEN APPROVAL FROM VILLAGE ENGINEER:** It shall be the responsibility of the owner to obtain from the village engineer prior to the construction of a new development or improvement of land use written approval certifying that the stormwater retention facility meets requirements. No building permit shall issue for construction of any improvement of land for new construction until such certification has been obtained from the village engineer. (Ord. 443, 6-19-2006)

11-3-8: **VIOLATION; PENALTY:** The violation of any of the terms of this chapter shall constitute an offense punishable by a fine of

11-3-8

11-3-8

not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), with each day the violation remains uncorrected constituting a separate offense. Such fine is in addition to any other remedy provided by law. (Ord. 443, 6-19-2006)

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