

Revised Code
-of-
Ordinances
of
Hillsboro,
Illinois

PREPARED BY:
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CITY OF HILLSBORO

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING
A CODE OF ORDINANCES
FOR THE
CITY OF HILLSBORO, ILLINOIS**

**ADOPTED BY THE
COUNCIL
OF THE
CITY OF HILLSBORO, ILLINOIS**

THIS 11TH DAY OF OCTOBER, 2022

Published in book form by authority of the Council of the City of Hillsboro, Montgomery County, Illinois this 11th day of October, 2022.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES FOR THE CITY OF HILLSBORO, MONTGOMERY COUNTY, ILLINOIS.

WHEREAS, the City of Hillsboro, Illinois is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper. 65 ILCS 5/1-2-1; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HILLSBORO, MONTGOMERY COUNTY, ILLINOIS, THAT:

SECTION 1: Adoption. There is hereby adopted a "**Revised Code of Ordinances**" for the City of Hillsboro, Montgomery County, Illinois shall be as follows:

[SEE EXHIBIT "A" FOLLOWING]

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

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ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

SECTION 4: Effective. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

SECTION 5: Passed this 11th day of October, 2022 by the Council of the City of Hillsboro, Montgomery County, Illinois, and deposited and filed in the office of the City Clerk in said City on that date.

CORY DAVIDSON, CITY CLERK
HILLSBORO, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT
Don Downs				
Kendra Wright				
Fred Butler				
Jerry Gregory				
Patrick Ward				

Signed by the Mayor of the City of Hillsboro, Montgomery County, Illinois, this 11th day of October, 2022.

DON DOWNS, MAYOR
HILLSBORO, ILLINOIS

ATTEST:

CORY DAVIDSON, CITY CLERK
HILLSBORO, ILLINOIS

(SEAL)

CITY CLERK’S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) **ss. CITY CLERK’S OFFICE**
CITY OF HILLSBORO)

I, Cory Davidson, City Clerk of the City of Hillsboro, Illinois, do hereby certify that the following Revised Code of Ordinances of the City of Hillsboro, Montgomery County, Illinois, published by authority of the City Council was duly passed by the Council of the City of Hillsboro, Illinois, signed by the Mayor, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the Corporate Seal of the City of Hillsboro, Illinois, this 11th day of October, 2022.

CORY DAVIDSON, CITY CLERK
HILLSBORO, ILLINOIS

(SEAL)

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6.	Buildings	6-1
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23.	Manufactured Housing Code	23-1
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HILLSBORO, ILLINOIS

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1070	Utilities: Rates	04/26/88	Chapter 38
1071	Streets	04/26/88	Chapter 33-4-4
1072	Highway Encroachment	05/10/88	Special Legislation
1073	Smoke Detectors	06/14/88	Chapter 30
1074	Key Box: Fire Department	06/14/88	Chapter 30
1075	Rural Fire Protection	06/28/88	Chapter 30
1076	Appropriation	07/26/88	Special Legislation
1077	Tax Levy	11/08/88	Special Legislation
1078	Real Estate: Hamilton St.	09/13/88	Special Legislation
1079	Utilities: Sewer Line	11/08/88	Chapter 38
1080	Utilities	11/22/88	Chapter 38
1081	E.S.D.A.	12/13/88	Chapter 30; Article III
1082	Motor Vehicle	12/13/88	Chapter 24
1083	Street Bonds	01/10/89	Chapter 33
1087	Water & Sewer Bonds	04/25/89	Special Legislation
1088	Water & Sewer System	05/04/89	Chapter 38
1089	Annex: Hillsboro	05/09/89	Special Legislation
1089A	Water & Sewer Bonds	06/13/89	Special Legislation
1090	Housing Code	06/27/89	Chapter 14
1091	Appropriation	07/25/89	Special Legislation
1092	Tax Levy	08/22/89	Special Legislation
1093	Motor Vehicles	10/10/89	Chapter 24
1094	Annex: Williams	10/24/89	Special Legislation
1095	Natural Resources Comm.	11/14/89	Chapter 5
1096	Tree Code	11/14/89	Chapter 33
1097	Annex: City Property	12/19/89	Special Legislation
1098	Zoning: Light Industrial	12/19/89	Special Legislation
1099	Enterprise Zone	02/27/90	Chapter 13
1100	Vacating: West St.	02/13/90	Special Legislation
1101	Public Safety: Fire Training	02/27/90	Chapter 30
1102	Motor Vehicle	03/13/90	Chapter 24
1103	Prevailing Wages	03/13/90	Special Legislation
1104	Vacate: Alley	04/10/90	Special Legislation
1105	Encroachment	04/24/90	Special Legislation
1106	\$800,000.00 Dis. Loan	05/08/90	Special Legislation
1107	Vacate: Alley-Bixler's	06/12/90	Special Legislation
1108	Appropriation	08/28/90	Special Legislation
1109	Tax Levy	08/28/90	Special Legislation
1110	Public Safety: Coffeen	09/11/90	Ch. 30; Sec. 30-4-16
1111	Annexation: Lester	09/25/90	Special Legislation
1112	City Code	09/25/90	Special Legislation
1112A	Annexation: Fox	01/08/91	Special Legislation
1113	Annexation: Glenn Shoals Lake	03/12/91	Special Legislation
1114	Enterprise Zone	03/13/91	Chapter 13
1115	Administration	04/09/91	Chapter 1
1116	Not Used		
1116A	Annexation: City Property	04/23/91	Special Legislation
1117	Not Used		
1118	Annexation: Hillsboro Hospital	06/11/91	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1119	Recreation	07/09/91	Ch. 31; Sec. 31-1-13(D)
1120	Recreation: Prohibiting Fishing	07/09/91	Ch. 31; Sec. 31-1-15(I)
1121	Appropriation	07/23/91	Special Legislation
1122	Utilities: Water Rates	07/23/91	Ch. 38; Sec. 38-4-11
1123	Utilities: Water Rates	08/27/91	Ch. 38; Sec. 38-4-11
1124	Tax Levy	08/27/91	Special Legislation
1125	Mobile Home Code	09/10/91	Chapter 23
1126	Liquor: License	09/24/91	Chapter 21
1127	Water and Sewer Bond	09/24/91	Special Legislation
1128	Vacating Alley in East Hillsboro	10/08/91	Special Legislation
1129	Annexation: Cady	10/22/92	Special Legislation
1130	\$4,150,000 G.O. Bonds	11/26/91	Special Legislation
1131	Utilities: Outside Water	11/26/91	Sec. 38-4-11
1132	Annexation: Paul White	01/14/92	Special Legislation
1133	Annexation: Beatrice Stout	12/17/91	Special Legislation
1134			
1135			
1136	Cable Television Franchise	03/24/92	Special Legislation
1136A	Animals: Dog Pound Fees		Sec. 4-1-5
1137	Vacating Alley	1992	Special Legislation
1138A	Appropriation	07/14/92	Special Legislation
1139	Annexation: Miller	08/25/92	Special Legislation
1140	Enterprise Zone	07/14/92	Special Legislation
1141	Annexation: Hayen	08/22/92	Special Legislation
1142	Annexation: Buttol	08/22/92	Special Legislation
1143	Annexation: McCoy	08/22/92	Special Legislation
1144	Annexation: Alexander	08/22/92	Special Legislation
1145	Annexation: Luebbert	10/13/92	Special Legislation
1146	Public Safety: Police	10/13/92	Sec. 38-2-18
1147	Motor Vehicle: Parking	11/10/92	Ch. 24; Schd. "D"
1148	Vacating alley in Brewer's Addition	12/08/92	Special Legislation
1149	Annexation: Ragsdale	11/23/92	Special Legislation
1150	Annexation: Spreaneo	01/12/93	Special Legislation
1151	Public Safety: K-9 Policy	01/26/93	Ch. 30-2-19
1152	Streets: Bricks	03/09/93	Chapter 33
1153	Streets: Renamed	03/23/93	Ch. 24; Schedules
1154	Administration: Meeting Times	04/08/93	Section 1-2-3
1155	Annexation: Nobbe	04/08/93	Special Legislation
1156			
1157	Sale of Railroad Property	05/13/93	Special Legislation
1158	Annexation: Micnheimer	05/13/93	Special Legislation
1159	Motor Vehicles: Stops	05/27/93	Ch. 24-3-1
1160	Annexation: Taylor Investments Corp.	05/27/93	Special Legislation
1161	T.I.F. District	06/24/93	Special Legislation
1162	T.I.F. District	06/24/93	Special Legislation
1163	T.I.F. District	06/24/93	Special Legislation
1164	Prevailing Wage	07/08/93	Special Legislation
1165	Administration: Meetings	08/03/93	Chapter 1
1166	Annexation: Hoff	08/24/93	Special Legislation
1167	Tax Increment Redevelopment Plan	09/14/93	Special Legislation
1168	Leasing Real Estate to Montgomery County Waste Management Office	09/28/93	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1169	Leasing Real Estate/Taylor Investment Corp.	11/09/93	Special Legislation
1170	Leasing Oil and Gas Interests in Challacombe Property	11/09/93	Special Legislation
1171	Nuisance Code	11/23/93	Chapter 25
1172	Vacating alley between Brown/Broad St.	11/23/93	Special Legislation
1173	Motor Vehicle	12/14/93	Sec. 24-3-3; Schd. "A"
1174	Appropriation	12/23/93	Special Legislation
1175	Tax Levy	12/23/93	Special Legislation
1176	Flood Plain Code	01/25/94	Ch. 6; Art. IV
1177	Zoning Code	02/22/94	Chapter 40
1178	Motor Vehicle: Parking	03/08/94	Sec. 24-6-3(C)
1179	Appropriation: Amendment	03/22/94	Special Legislation
1180	Annexation: Street of Broadway St., Summit St., Vandalia St. & Smith Rd.	04/26/94	Special Legislation
1181	Sale of Real Property	04/26/94	Special Legislation
1182	Redevelopment Agreement with Taylor Investments	04/26/94	Special Legislation
1183	Vacating East St.	05/10/94	Special Legislation
1184	Vacating Clover Ct.	05/24/94	Special Legislation
1185	Recreation: Jet Skis	06/14/94	Sec. 31-1-1(D)
1186	Motor Vehicle	06/14/94	Chapter 24
1187	Zoning Code	06/14/94	Ch. 40-4-24
1188	Prevailing Wage	06/14/94	Special Legislation
1189	Appropriation	06/28/94	Special Legislation
1190	Vacating a portion of alley in Park Subd.	06/28/94	Special Legislation
1191	Motor Vehicle: Handicapped	06/28/94	Sec. 24-6-3(C)
1192	Motor Vehicle: Parking	07/12/94	Ch. 24; Schd. "D"
1193	Vacating Public Way in Rolling Hills	07/26/94	Special Legislation
1194	Offenses: Cannabis	08/23/94	Sec. 27-4-6
1195	Vacating Land: Rolling Hills	08/23/94	Special Legislation
1196	Lake Glenn Shoals	10/25/94	Sec. 31-1-86(B)(1); 31-1-83(D)(3)
1197	Offenses: Leaf Burning	10/25/94	Chapter 27
1198	Offenses: Leaf Burning	11/08/94	Chapter 27
1199	Tax Levy		Special Legislation
1200	Redevelop: Taylor Inv. Co.	12/13/94	Special Legislation
1201	Vacating: Easterday St. and Alley	02/28/95	Special Legislation
1202	Motor Vehicles	02/28/95	Sec. 24-3-3(A)
1203	Lake Glenn Shoals	02/28/95	Sec. 31-1-86(B)(1)
1204	Streets: Sanitary Sewers	03/18/95	Chapter 33
1205	Motor Vehicles: Parking	03/18/95	Ch. 24-6-3; Schd. "B"
1206	Encroachment - Main St.	03/18/95	Special Legislation
1207	Utilities: Water Tap Waiver	03/28/95	Chapter 38
1208	Vacation: Part Woodlawn St.	03/28/95	Special Legislation
1209	Offenses: Cannabis	05/23/95	Ch. 27-4-6
1209A	Annex: Free Methodist	05/09/95	Special Legislation
1210	Motor Vehicles: Handicapped	05/23/95	Ch. 24-6-3(C)
1211	Not Used		
1212	Not Used		
1213	Vacating: Old Bus Line Rd.	06/27/95	Special Legislation
1214	Fair Housing Code	07/11/95	Chapter 14

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1215	Equal Employment Code	07/11/95	Chapter 12
1216	Administration: City Officials	06/27/95	Secs. 1-2-17 - 1-2-24
1217	Lease: Sports Complex	07/27/95	Special Legislation
1218	Motor Vehicles: Stop	07/27/95	Sec. 24-3-3(A)
1219	Appropriation	07/25/95	Special Legislation
1220	Sale of City Property: R.R.	08/08/95	Special Legislation
1221	Annex: Orchard Knoll	08/22/95	Special Legislation
1222	Vacating: Fox Hollow Dr.	09/26/95	Special Legislation
1223	Zoning Code: Map	10/10/95	Special Legislation
1224	Tax Levy	11/28/95	Special Legislation
1225	Motor Vehicles: Parking	01/09/96	Sec. 24-6-3 Schd. "D"
1226	Lake Glenn Shoals; Liquor; Motor Vehicles; Utilities	01/23/96	Ch. 4; 21-2-6; 24-6-11; 31-1-91; 31-3-2; 31-1-86(F); 31-1-91(A)(B); 38-2-6(A); 31-2-3(A)(C)
1227	Vacating: West St.	04/23/96	Special Legislation
1228	Annex: D. White	05/14/96	Special Legislation
1229	Street Accept: Walshville Trail	05/14/96	Special Legislation
1230	Business: Horse Drawn	05/14/96	Chapter 7
1231	Prevailing Wage	06/11/96	Special Legislation
1232	Motor Vehicles: 4-Way Stop	06/11/96	Ch. 24; Schd. "A"
1233	Appropriation	06/25/95	Special Legislation
1235	Annexation: Miller	06/29/96	Special Legislation
1236	Motor Vehicle: Parking	09/10/96	Ch. 24; Schd. "D"
1238	Utility: Connection Fees	09/24/96	Special Legislation
1239	Tax Levy	11/26/96	Special Legislation
1240	Utilities: Testing Sewers	03/25/97	Ch. 38-6-5
1241	Zoning Code: Appendix	05/27/97	Ch. 40-6-10.5
1242	Motor Vehicles: Parking	05/27/97	Sec. 24-6-5
1243	Prevailing Wage	06/10/97	Special Legislation
1244	Appropriation	06/24/97	Special Legislation
1244A	Motor Vehicle: Parking/Hamilton	09/23/97	Chapter 24
1245	Annexation: Karnes	10/14/97	Special Legislation
1246	Offenses: Open Burning	10/14/97	Chapter 27
1247	Omitted		
1248	Omitted		
1249	Tax Levy	12/09/97	Special Legislation
1250	Water Purchase Contract with Montgomery County Water Company	02/24/98	Special Legislation
1251	Lease of City Property to Montgomery County Water Company	02/24/98	Special Legislation
1252	Annexation: Reynolds	04/28/98	Special Legislation
1253	Prevailing Wage	06/09/98	Special Legislation
1254	Vacating Tillson St.	07/14/98	Special Legislation
1255	Appropriation	06/23/98	Special Legislation
1256	Administration: Contracts	08/25/98	Sec. 1-2-38
1257	Motor Vehicles: Parking	10/27/98	Chapter 24
1258	Sanitary Sewage: Discharge	10/27/98	Chapter 33
1259	Encroachment of Public Right-of-Way	10/27/98	Special Legislation
1260	Vacating White's Subd.	10/27/98	Special Legislation
1261	Vacating Alley Running North and South in Johnson's Subdivision	10/27/98	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1262	Tax Levy	12/08/98	Special Legislation
1263	Right-of-Way for Water System	01/12/99	Special Legislation
1264	Motor Vehicles: Snow Routes	01/12/99	Sec. 24-6-8
1265	Lease of City Property	03/23/99	Special Legislation
1268	Administration	04/27/99	Secs. 1-2-13; 1-2-14; 1-2-26(B); 1-2-30(A); 1-2-38; 1-3-1; 1-3-2; 1-3-3
1269	Public Safety: Rural Fire	05/25/99	Sec. 30-4-15
1270	Administration: Gift Ban	05/25/99	Ch. 1; Art. IV
1271	Administration: Gift Ban	06/08/99	Ch. 1; Art. IV
1272	Recreation: Boat Fees	06/08/99	Sec. 31-2-3
1274	Motor Vehicles: Stop Signs	06/22/99	Sec. 24-3-3; Schd. "A"
1276	Utilities: Deposits	08/10/99	Sec. 38-2-6(A)
1277	Motor Vehicles: Stop Signs	08/24/99	Sec. 24-3-3; Schd. "A"
1278	Motor Vehicles: No-Parking	08/24/99	Sec. 24-6-3; Schd. "D"
1281	Leased Property	09/28/99	See #1265
1282	Motor Vehicles: Speed Zones	06/22/99	Sec. 24-4-2(F)
1283	Motor Vehicles: No-Parking	06/22/99	Sec. 24-6-3; Schd. "D"
1285	Recreation: Edison Park	10/26/99	Ch. 31; Art. IV
1286	Employees: Residency	10/26/99	Sec. 12-2-1
1287	Utilities: Water Rate	11/09/99	Sec. 38-4-11
1288	Tax Levy	12/14/99	Special Legislation
1289	Administration: Investment Policy	12/14/99	Ch. 1; Art. V
1290	Annexation: White	12/14/99	Special Legislation
1291	Motor Vehicles: Stop Intersections	01/25/00	Sec. 24-3-3; Schd. "A"
1292	Motor Vehicles: Speed	01/25/00	Sec. 24-4-2(F)
1293	Motor Vehicles: Parking	01/25/00	Sec. 24-6-3(D)
1294	Zoning Code	02/08/00	Secs. 40-5-9; 40-9-3; 40-10-2; 40-10-3
1295	Animals: Fees for Dog	03/14/00	Sec. 4-1-5
1296	Recreation: Camping Fees	03/14/00	Sec. 31-3-2
1297	Taxation: Electric Utility Tax	03/28/00	Ch. 36; Art. IV
1297A	Taxation: Electric Utility Tax	04/25/00	Ch. 36; Art. IV
1298	Administration: Purchasing	04/11/00	Sec. 1-2-38(D)
1299	Lease: Lake Glenn Shoals & Lake Hillsboro	05/23/00	Special Legislation
1300	Business: Carriage Fees	05/23/00	Secs. 7-7-9; 7-7-10
1301	Prevailing Wage	06/13/00	Special Legislation
1302	Motor Vehicle: Load Zone	06/13/00	Sec. 24-6-4(M)
1303	Annexation: Their	06/27/00	Special Legislation
1304	Appropriation	06/27/00	Special Legislation
1305	Motor Vehicles: Handicapped	06/27/00	Sec. 24-6-3(C)(4)
1306	Motor Vehicles: Stop	06/27/00	Sec. 24-3-3; Schd. "A"
1307	Offenses: Tobacco Products	06/27/00	Sec. 27-4-7
1308	Nuisance Code	08/08/00	Chapter 25
1309	Vacating Portions of West St; Berryhill Dr	08/08/00	Special Legislation
1310	Motor Vehicles: Limited Parking	08/22/00	Sec. 24-6-3; Schd. "E"
1311	Sale of Property: Delaney	09/12/00	Special Legislation
1312	Easement to Baumann	10/10/00	Special Legislation
1313	Motor Vehicles: Stop Signs	10/24/00	Ch. 24-3-3; Schd. "A"
1314	Motor Vehicles: Stop and Parking	11/14/00	Ch. 24; Schd. "A" & "D"
1315	Taxation: Bill of Rights	12/12/00	Ch. 36; Art. I

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1316	Tax Levy	12/12/00	Special Legislation
1317	Vacating Portion of Vandalia	01/09/01	Special Legislation
1318	Annexation: Barbee	01/23/01	Special Legislation
1319	Annexation: IL Audubon Society	01/23/01	Special Legislation
1320	Taxation: Utility Tax	01/23/01	Repeals Ch. 36; Art. IV
1321	Recreation: Rules/Regulations	02/13/01	Sec. 31-3-1; 31-3-2
1322	Recreation: Boat Fees	03/13/01	Sec. 31-2-3(A)
1323	Cable Television	03/27/01	Chapter 8
1324	Liquor Code	03/27/01	Chapter 21
1325	Taxation: Utility Tax	04/24/01	Ch. 36; Art. IV
1326	Motor Vehicles: Noise	04/24/01	Sec. 24-5-7
1327	Motor Vehicles: Stops	05/22/01	Sec. 24-3-3; Schd. "A"
1328	Recreation: Sherwood	06/12/01	Sec. 31-3-1(DD)
1329	Prevailing Wage	06/12/01	Special Legislation
1330	Appropriation	06/26/01	Special Legislation
1331	Offenses	08/14/01	Chapter 27
1332	Vacating Summer Street	01/27/02	Special Legislation
1333			
1334	Lease: Courthouse Sq.	10/09/01	Special Legislation
1335	Annexation: Leitheiser	10/23/01	Special Legislation
1336	Vacation: Church St. (Part)	11/13/01	Special Legislation
1337	Enterprise Zone	12/11/01	Special Legislation
1338	Tax Levy	12/11/01	Special Legislation
1339	Motor Vehicles: Parking	01/08/02	Sec. 24-6-3; Schd. "D"
1340	Vacation of Wait St. (Part)	01/22/02	Special Legislation
1341	Motor Vehicles: Parking	03/12/02	Secs. 24-6-11; 24-6-12
1342	Nuisances	03/12/02	Ch. 25 - Various
1343	Public Safety: Intergovernmental Police Assistance Agreement	03/26/02	Chapter 30
1344	Pubic Safety: Intergovernmental Police Assistance Agreement	03/26/02	Chapter 30
1345	Vacating Alley in Orchard Knoll	05/28/02	Special Legislation
1346	Prevailing Wage	06/11/02	Special Legislation
1347	Vacating Alley in Hillsboro Heights	06/25/02	Special Legislation
1348	Motor Vehicles: Trucks Prohibited	07/09/02	Section 24-6-15
1349	Sale of Property: Kirby	07/23/02	Special Legislation
1350	Appropriation	07/23/02	Special Legislation
1351	Public Water Supply Loan	07/23/02	Special Legislation
1352	Public Water Supply Loan	09/10/02	Special Legislation
1352A	Motor Vehicles: No Parking	08/27/02	Sec. 24-6-3(D)
1353	Motor Vehicles: No Parking	09/10/02	Sec. 24-6-3(E)
1354	Vacating Alley Hillcrest Addition	10/08/02	Special Legislation
1355	Motor Vehicles: Parking	11/12/02	Repeals #1352A
1356	Motor Vehicles: Handicapped Parking	11/12/02	Ch. 24; Schd. "L"
1357	Utilities: Water Rates	11/12/02	Sec. 38-4-11
1358			
1359	Real Estate Exchange	12/10/02	Special Legislation
1360	Tax Levy	12/10/02	Special Legislation
1361	G.O. Water & Sewer Bonds	2003	Special Legislation
1362	Sale of City Property	05/27/03	Special Legislation
1363	Annexation: Jagosh	06/10/03	Special Legislation
1364	Recreation: Mini-Bikes	06/10/03	Section 31-3-1(X)

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1365	Prevailing Wage	06/10/03	Special Legislation
1366	Recreation: Fan Boats	06/10/03	Section 31-2-13
1367	Recreation: Various	06/10/03	Secs. 31-2-3(G); 31-2-5(I)
1368	Vacating Railroad St	06/24/03	Special Legislation
1369	Appropriation	06/24/03	Special Legislation
1370	Motor Vehicles: Handicapped Parking	07/08/03	Ch. 24; Schd. "L"
1371	Motor Vehicles: Stop Streets	07/08/03	Ch. 24; Schd. "A"
1372	Streets: Bond	07/22/03	Section 33-4-4
1373	Utilities: Sewer Rates	07/22/03	Section 38-4-27
1374	Streets: Bond	08/26/03	Section 33-4-4
1375	Offenses: Ephedrine	10/14/03	Section 27-4-8
1376	Sale of 308 S Main St	10/28/03	Special Legislation
1377	Recreation: Sherwood Forest	11/12/03	Ch. 31; Art. III
1378	Recreation: Skateboards	11/25/03	Section 31-5-1
1378A	Tax Levy	12/09/03	Special Legislation
1379	Motor Vehicles: Speed Limit	01/22/04	Ch. 24; Schd. "S"
1380	Administration: Finances	02/10/04	Section 1-2-22(C)
1381	Zoning: Map	02/24/04	Section 40-1-3(A)
1382	Motor Vehicles: Handicapped Parking	03/23/04	Ch. 24; Schd. "L"
1383	Public Safety: Mutual Aid	04/27/04	Section 30-2-7
1384	Administration: Ethics Code	05/11/04	Section 1-4-1
1385	Appropriation	05/25/04	Special Legislation
1386	Annexation: Powell	05/25/04	Special Legislation
1387	Sale of Property: Vogel	05/25/04	Special Legislation
1388	Motor Vehicles: No Parking	06/08/04	Ch. 24; Schd. "D"
1389	Recreation: Duck Blinds	06/08/04	Section 31-1-91
1391	Vacating Alley: Lot 26 & 27	06/22/04	Special Legislation
1392	Motor Vehicles: No Parking	07/13/04	Ch. 24; Schd. "D"
1393	Motor Vehicles: Speed Limit	08/24/04	Ch. 24; Schd. "S"
1394	Annexation: Pence	08/24/04	Special Legislation
1395	Annexation: Rademacher	10/26/04	Special Legislation
1396	Annexation: Fudoli	10/26/04	Special Legislation
1397	Annexation: Justison	10/26/04	Special Legislation
1398	Annexation: Prison	10/26/04	Special Legislation
1399	Utilities: Sewer Rates	10/26/04	Section 38-4-27
1401	Vacating Street	11/09/04	Special Legislation
1403	Tax Levy	11/23/04	Special Legislation
1404	Administration: Code Enforcement	12/14/04	Secs. 1-2-45 – 1-2-49
1405	Utilities: Water Rates	12/14/04	Section 38-4-11
1406	Public Safety: Emergency Lighting	01/11/05	Section 30-4-13
1407	Public Safety: MABAS	04/12/05	Chapter 30
1408	Offenses: Littering	04/26/05	Section 27-5-7
1409	Public Safety: Fire/Police Commissioners	05/09/05	Ch. 30; Art. VI
1410	Public Safety: Firefighters Pension Board	05/09/05	Ch. 30; Art. VII
1411	Public Safety: Police Pension Board	05/09/05	Ch. 30; Art. V
1412	Prevailing Wage	06/15/05	Special Legislation
1413	Motor Vehicles: Parking	06/28/05	Ch. 24; Schd. "D"
1414	Appropriation	06/28/05	Special Legislation
1415	Cable TV	10/11/05	Chapter 8
1416	Utilities	2005	Section 38-3-12(A)
1417	Vacation of Alley	09/27/05	Special Legislation
1418	Vacation of Alley	09/27/05	Special Legislation

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1419	Recreation: Buildings	2005	Section 31-1-3
1420	Utilities: Shutoff and Deposit	2005	Secs. 38-2-1(I) and 38-2-6(A)
1421	Recreation	11/22/05	Section 31-4-1
1422	Intergovernmental Agreement	11/28/05	Special Legislation
1423	Tax Levy	12/13/05	Special Legislation
1424	Oil and Gas Lease	12/13/05	Special Legislation
1425	Boards: Natural Resources	02/14/06	Section 5-2-3
1426	Recreation	02/14/06	Section 31-1-3(F)(I)(Q)
1427	Motor Vehicles: Speed Limit	02/28/06	Ch. 24; Schd. "S"
1428	Nuisances: Derelict Vehicles	2006	Section 25-4-2
1429	Enterprise Zone	03/14/06	Special Legislation
1430	Motor Vehicles: Speed Limit	04/11/06	Ch. 24; Schd. "S"
1431	Recreation: Houseboats	04/25/06	31-1-47
1432	Motor Vehicles: Speed Limit	05/23/06	Ch. 24; Schd. "S"
1433	Motor Vehicles: Left Turn	05/23/06	Section 24-4-2(L)
1434	Motor Vehicles: No Parking	06/13/06	Ch. 24; Schd. "D"
1435	Prevailing Wage	06/13/06	Special Legislation
1436	Appropriation	06/27/06	Special Legislation
1437	Liquor: Beer Garden & Special Events	07/11/06	Secs. 21-2-12; 21-2-13
1438	Public Safety: Deputy Chief of Police	07/25/06	Section 30-2-3(A)
1439	Annexation: Buerkett	07/25/06	Special Legislation
1440	Recreation	07/25/06	Secs. 31-3-1(C)(H)(O)(EE)(FF)(GG)(HH)
1441	Sale of Property	2006	Special Legislation
1442	Recreation	08/22/06	Section 31-1-86(G)
1443	Zoning: Political Signs	08/22/06	Section 40-6-8(C)
1445	\$5,700,000 Water/Sewer Bonds	09/12/06	Special Legislation
1446	Liquor: Outdoor Dining	09/12/06	Section 21-3-35
1447	Economic Incentive Agreement	09/12/06	Special Legislation
1448	Intergovernmental Police Agreement	10/10/06	Special Legislation
1449	Intergovernmental Police Agreement	10/10/06	Special Legislation
1450	Tax Levy	11/28/06	Special Legislation
1451	Utilities: Water Lines	11/28/06	Section 38-3-17
1452	Sale of Property	12/27/06	Special Legislation
1453	Recreation	01/23/07	Secs. 31-2-3(A)(C); 31-2-4
1454	Public Safety: Auxiliary Police	02/13/07	Section 30-2-22
1455	Use of City Property	02/13/07	Special Legislation
1456	Offenses: Littering Prohibited	02/27/07	Section 27-5-2
1457	Animals: Dog Waste Disposal	02/27/07	Section 4-1-12
1458	Water/Sewer Bonds	04/24/07	Special Legislation
1459	Utilities: Water Rates	05/22/07	Section 38-4-11(F)
1460	Motor Vehicles: Handicapped Parking	05/22/07	Ch. 24; Schd. "L"
1461	Water/Sewer Bonds	06/12/07	Special Legislation
1462	Prevailing Wages	06/12/07	Special Legislation
1463	Annexation: Everett	06/12/07	Special Legislation
1464	Appropriation	07/10/07	Special Legislation
1465	Enterprise Zone	07/10/01	Special Legislation
1466	Vacating Portion of N. Main	08/14/07	Special Legislation
1467	Vacating Alley - North Hillsboro Addition	08/28/07	Special Legislation
1468	Offenses: Open Burning	11/27/07	Secs. 17-1-4 - 17-1-6; 25-1-1(R); 27-4-6; Ch. 27, Art. IX

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1469	Tax Levy	12/11/07	Special Legislation
1470	Motor Vehicles: Left Turns	12/11/07	Section 24-4-2(L)
1471	Liquor: Hours	01/22/08	Section 21-3-1(B)
1472	Administration: Commissioner's Duties	03/11/08	Secs. 1-2-13; 1-2-14
1473	Surplus Property: Fire Department	03/11/08	Special Legislation
1474	Prevailing Wage	06/10/08	Special Legislation
1475	Administration: Code Enforcement	06/10/08	Section 1-2-47
1476	Public Safety: Police	06/10/08	Section 30-2-3(A)
1477	Utilities: Sewer Rates	06/24/08	Section 38-4-26(A)
1478	Recreation: Lake Police Officer	06/24/08	Section 31-1-51
1479	Enterprise Zone	07/22/08	Special Legislation
1480	Appropriation	07/22/08	Special Legislation
1481	Utilities: Water Rates	07/25/08	Section 38-4-11(F)
1482	Annexation: Everett	08/12/08	Special Legislation
1483	Offenses: Opening Mail	09/23/08	Section 27-2-32
1484	Sale of Property E. Road at N. Road	09/23/08	Special Legislation
1485	Motor Vehicles: Vehicle Weight Limits	10/14/08	Ch. 24; Art. VIII
1486	Recreation: Camping Fees	10/28/08	Secs. 31-3-1; 31-3-2
1487	Annexation Agreement: MLC	11/10/08	Special Legislation
1488	Enterprise Zone	11/10/08	Special Legislation
1489	Tax Levy	11/25/08	Special Legislation
1490	Annexation: County Property	11/25/08	Special Legislation
1491	Motor Vehicles: No Parking	01/13/09	Ch. 24; Schd. "D"
1492	Zoning: Permit Fees	01/27/09	Section 40-9-13
1493	Zoning: Coal Mining	01/27/09	Repealed
1494	Vacating Alley: Burn's Addition	03/24/09	Special Legislation
1495	Employees: Health Benefit Fund	04/28/09	Ch. 12; Art. III
1496	Recreation: Swimming	04/28/09	Section 31-1-12(A)
1497	Liquor: Municipal Buildings	05/12/09	Section 21-3-36
1498	Prevailing Wage	06/09/09	Special Legislation
1499	Appropriation	07/14/09	Special Legislation
1500	Motor Vehicles: Handicapped Parking	07/14/09	Ch. 24; Schd. "L"
1501	Annexation: Slepicka	08/25/09	Special Legislation
1502	Vacating Portion Miller Street	08/25/09	Special Legislation
1503	\$2,440,000 Bonds	09/08/09	Special Legislation
1504	Administration: Boards/Committees	09/08/09	Section 1-2-35
1505	Zoning: Permitted Use Coal Mines	10/13/09	Section 40-4-4
1506	Offenses: Bow Hunting	10/27/09	Section 27-2-31
1507	Tax Levy	12/08/09	Special Legislation
1508	Administration: Disposal of Personal Property Policy	03/09/10	Section 1-2-43
1509	Mandated Policies: FOIA	03/23/10	Chapter 22
1510	Utilities: Water Rates	05/11/10	Section 38-4-11(C)
1511	Prevailing Wage	06/08/10	Special Legislation
1512	Administration: Electronic Attendance at Meetings	06/22/10	Section 1-2-7
1513	Appropriation	07/13/10	Special Legislation
1514	Historic Preservation District	07/13/10	Chapter 18
1515	Enterprise Zone	07/27/10	Special Legislation
1516	Liquor: Hours	10/26/10	Section 21-3-1(A)
1517	Tax Levy	12/14/10	Special Legislation
1518	Enterprise Zone	01/11/11	Special Legislation

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1519	Enterprise Zone	12/14/10	Special Legislation
1520	Vacation of Alley	02/08/11	Special Legislation
1521	Offenses: Synthetic Cannabis	03/08/11	Section 27-10-1
1522	Offenses: Synthetic Cocaine	03/22/11	Section 27-10-2
1523	Motor Vehicles: No Parking	03/22/11	Ch. 24; Schd. "D"
1524	Recreation: Fishing	03/22/11	Secs. 31-1-15; 31-5-2
1525	Recreation: Camping	03/22/11	Secs. 31-1-83; 31-1-84
1526	Recreation: Swimming	03/22/11	Section 31-2-6
1527	Business: Hours	04/26/11	Secs. 7-2-9; 7-3-5; 7-3-11
1528	Recreation: Sherwood Forest	05/10/11	Secs. 31-3-1(X) & (Y)
1529	Administration & Utilities: Departments	06/14/11	Secs. 1-2-13; 1-2-14; 38-1-1; 38-1-2; 38-1-3
1530	Historic Preservation Code	06/14/11	Chapter 18
1531	Prevailing Wage	06/14/11	Special Legislation
1532	Liquor: Sidewalk Café Permit	06/14/11	Section 21-2-14
1533	Administration: Code Enforcement Officer	06/14/11	Secs. 1-2-45 – 1-2-49
1534	Offenses: Alcohol, etc.	06/28/11	Secs. 27-4-9 – 27-4-11
1535	Motor Vehicles: Parking Fine	06/28/11	Section 24-6-3(E)
1536	Motor Vehicles: Handicapped Zones	06/28/11	Section 24-6-3(C)(4); Schd. "L"
1537	Motor Vehicles: Stop Signs	07/12/11	Ch. 24; Schd. "A"
1538	Liquor: Grocery Stores	07/12/11	Secs. 21-1-1; 21-2-6(I); 21-3-1
1539	Appropriation	07/26/11	Special Legislation
1540	Public Safety & Mandated Policies: FOIA Officer	07/26/11	Secs. 30-2-3(A); 22-1-1
1541	Animals: Nuisances	09/13/11	Section 4-1-10
1544	Administration: Penalty	09/27/11	Secs. 1-1-19; 1-1-20
1545	Utilities: Water & Sewer Rates	09/27/11	Secs. 38-4-11(B) & (F); 38-4-26(A)(3)
1545A	Utilities: Water Rates	09/27/11	Section 38-4-11(F)
1545B	Utilities: Sewer Rates	09/27/11	Section 38-4-26(A)(3)
1546	Public Safety: Police Funds	09/27/11	Section 30-2-7(A)
1547	Public Safety: Fire Funds	09/27/11	Section 30-4-15(F)
1548	Public Safety: Rural Fire Protection Fee	09/27/11	Section 30-4-15(B)
1549	Motor Vehicles: Parking	09/27/11	Ch. 24; Schd. "D" & "E"
1550	Motor Vehicles: No Parking	10/25/11	Ch. 24; Schd. "D"
1551	Tax Levy	11/22/11	Special Legislation
1553	Administration: Contracts	03/13/12	Section 1-2-38
1554	Administration: Investments	03/13/12	Section 1-2-24
1555	Utilities: Rates	03/13/12	Secs. 38-4-11(B); 38-4-26(A)(1)&(2)
1556	Utilities: Rates	03/13/12	Section 38-4-11(A)
1557	Liquor: Hours	04/10/12	Section 21-3-1
1558	Liquor: Gambling	04/24/12	Section 21-3-17
1559	Gas Franchise	05/08/12	Special Legislation
1560	Historic Preservation Designation	05/22/12	Chapter 18
1561	Public Safety: Part-Time Police	05/22/12	Ch. 30; Art. II; Div. III
1562	Prevailing Wage	06/12/12	Special Legislation
1563	Motor Vehicles: Non-Highway Vehicle	06/12/12	Ch. 24; Art. IX
1564	Issuance of Bonds	06/26/12	Special Legislation
1565	Appropriation	07/10/12	Special Legislation

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1566	Annexation: Wright Investments	07/10/12	Special Legislation
1567	Electricity Question for Ballot	07/24/12	Special Legislation
1568	G.O. Bonds	08/14/12	Special Legislation
1569	Taxation: Telecommunications	08/14/12	Ch. 36; Art. V
1570	Animals: Farm Animals	09/11/12	Section 4-2-1
1571	Administration: IMLRMA	11/13/12	Chapter 1
1572	Electrical Aggregation Plan	11/13/12	Special Legislation
1573	Annexation: Hillsboro Energy LLC	11/19/12	Special Legislation
1574	Tax Levy	11/27/12	Special Legislation
1575	Annexation: Wright Investments Inc.	12/11/12	Special Legislation
1576	Vacation of Beal Street	04/09/13	Special Legislation
1577	Tax Increment Financing	04/09/13	Chapter 37
1578	Appropriation	06/11/13	Special Legislation
1579	Prevailing Wage	06/11/13	Special Legislation
1580	Motor Vehicles: Handicapped Parking	06/11/13	Chapter 24
1581	Utilities: Water Rates	06/11/13	Section 38-4-11(H)
1582	Offenses: Trespass & Tobacco Use	07/24/13	Secs. 27-2-3; 27-4-8
1583	TIF Redevelopment Plan and Project	07/09/13	Special Legislation
1584	TIF Redevelopment Plan and Project	09/10/13	Special Legislation
1585	TIF Redevelopment Project Area	09/10/13	Special Legislation
1586	TIF Redevelopment Act	09/10/13	Special Legislation
1587	Redevelopment Project Area	09/24/13	Special Legislation
1588	Motor Vehicles: No Parking	11/12/13	Ch. 24; Schd. "D"
1589	Administration: IMLRMA	11/12/13	Chapter 1
1590	Not Used		
1591	Recreation	12/10/13	Secs. 31-1-86(L); 31-1-86(B)(2),(C),(D),(F) and (K)
1592	Annexation: 618 Parkside	01/28/14	Special Legislation
1593	Disposition of Surplus Property	03/11/14	Special Legislation
1594	Motor Vehicles: School Zone	03/11/14	Chapter 24
1595	Historic Preservation Code	03/25/14	Section 18-1-14
1596	Historic Preservation Code	03/25/14	Secs. 18-1-3; 18-1-17; 18-1-25
1597	Historic Preservation Code	03/25/14	Section 18-1-19
1598	Historic Preservation Code	03/25/14	Section 18-1-24
1599	Budget	04/22/14	Special Legislation
1600	Prevailing Wage	06/10/14	Special Legislation
1601	Budget Appropriation	06/24/14	Special Legislation
1602	Motor Vehicles: Stop Signs	07/30/14	Chapter 24
1603	Recreation: Rules	10/14/14	Secs. 31-3-1; 31-3-2
1603B	Administration: IMLRMA	11/12/14	Special Legislation
1604	Motor Vehicles: No Parking	11/12/14	Ch. 24; Schd. "D"
1605	Tax Levy	11/25/14	Special Legislation
1606	Surplus Property	12/09/14	Special Legislation
1608	Recreation: Fees	02/10/15	Secs. 31-1-83(B); 31-1-86(F); 31-1-86(K); 31-1-91(A); 31-2-3; 31-3-2
1610	Administration: Fines	03/24/15	Section 1-1-20
1611	Zoning: Content – Pools	03/24/15	Section 40-5-9
1612	Mandated Policies: EEO	04/28/15	Chapter 22
1613	Mandated Policies: Fair Housing	04/28/15	Chapter 22
1614			

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1615	Employee Regulations	06/096/15	Section 11-2-1
1616	Façade Grant Program	06/09/15	Special Legislation
1617			
1618	Motor Vehicles: Golf Carts	06/09/15	Section 24-9-1
1619	Motor Vehicles: No Parking Zone	06/23/15	Section 24-6-3; Schd. "D"
1620	Enterprise Zone	07/14/15	Special Legislation
1622	Motor Vehicles: Speed Limit	08/11/15	Ch. 24; Schd. "S"
1623	Transferring of Funds	08/11/15	Special Legislation
1624	Administration: Rules of the Council	08/25/15	Section 1-2-30(F)
1625	Liquor: City Buildings	08/25/15	Section 21-3-36
1626	Motor Vehicles: Parking Lots	08/25/15	Section 24-6-12
1627	Liquor: Classes	09/08/15	Section 21-2-6(G)
1628	Recreation: Leases, Boat Docks, Fees	09/22/15	Section 31-1-86(A) & (B)
1629	Revised Code	09/22/15	New Code
1630	Façade Grant Program	09/22/15	Special Legislation
1631	Recreation: Camping	09/22/15	Section 31-1-83(D)(15)
1632	Recreation: Sherwood Forest Campground	11/10/15	Section 31-3-1(GG)
1633	Administration: IMLRMA	11/10/15	Special Legislation
1634	Taxation: Municipal Utility Tax	11/24/15	Section 36-4-2
1635	Tax Levy	11/24/15	Special Legislation
1636	Vacation of Alley	12/08/15	Special Legislation
1637	Recreation: Leases, Boat Docks, Fees	02/09/16	Section 31-1-86(A)&(B)
1638	Electric Franchise Agreement	03/22/16	Special Legislation
1639	Enterprise Zone Intergovernmental Agreement	03/22/16	Special Legislation
1640	Exchange of Real Estate: 1115 S Main	04/12/16	Special Legislation
1641	Streets: Road Bonds	04/12/16	Repealed
1642	Business District Establishment	04/12/16	Special Legislation
1643A	Wright Automotive Sales Tax Agreement	05/10/16	Special Legislation
1643	Establishment of Hillsboro Business District Plan	05/31/16	Special Legislation
1644	Prevailing Wage	06/14/16	Special Legislation
1645	Appropriation	06/28/16	Special Legislation
1646	Mulch Estates Final Plat Approval	06/28/16	Special Legislation
1647	Annexation: Lessman Estates Territories	06/12/16	Special Legislation
1648	Motor Vehicles: Stop Signs	06/12/16	Ch. 24; Schd. "A"
1649	Vacant Properties	07/26/16	Special Legislation
1650	Final Plat Approval: Lessman Estates	07/26/16	Special Legislation
1651	Recreation: Waterfowl Hunting Rules/Regs.	09/13/16	Chapter 31
1652	Business District Ordinance Amendment	09/27/16	Special Legislation
1653	Tree Code	09/27/16	Chapter 33; Art. IX
1654	Administration: Mayor Pro-Tem	10/11/16	Section 1-2-30(A)
1655	Administration: IMLRMA	11/09/16	Chapter 1
1656	Final Plat of Lake Hillsboro Cottage Subdivision	11/09/16	Special Legislation
1657	Tax Levy	12/13/17	Special Legislation
1658	Administration: Expense Reimbursement	01/10/17	Chapter 1
1659	Streets: Blowing Grass	05/09/17	Section 33-2-22
1660	Streets: Public Tree Care	05/09/17	Section 33-9-8
1661	Motor Vehicles: Stop Signs	05/23/17	Ch. 24; Schd. "A"
1662	Prevailing Wage	06/13/17	Special Legislation
1663	Recreation: Bowhunting	06/13/17	Chapter 31
1664	Façade Grant	08/08/17	Special Legislation
1665	Sale of Surplus Property: 206 S Main St	08/08/17	Special Legislation
1666	Recreation: Bowhunting	09/12/17	Ch. 31; Art. VI

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1667	IPWMAN Mutual Aid Network Agreement	10/10/17	Special Legislation
1668	Employees: Residency Requirements	10/24/17	Chapter 11
1669	Mandated Policies: Sexual Harassment	12/12/17	Chapter 22
1670	Tax Levy	12/12/17	Special Legislation
1671	Recreation: Sherwood Forest Campground	02/13/18	Section 31-3-1
1672	Administration: Bid Process	04/24/18	Section 1-2-45
1673	Transfer of Funds	04/24/18	Special Legislation
1674	Sale of Surplus Real Estate	06/12/18	Special Legislation
1675	Prevailing Wage	06/12/18	Special Legislation
1676	Zoning: Rezoning	06/26/18	Special Legislation
1677	Utilities: Water Connection Requirements	07/10/18	Section 38-3-5
1678	Appropriation	07/30/18	Special Legislation
1679	Vacation of Alley	08/14/18	Special Legislation
1680	Vacation of Street	08/28/18	Special Legislation
1681	Hiring of Treasurer	09/25/18	Special Legislation
1682	Administration: Salaries	09/25/18	Section 1-3-1
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CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL PROVISIONS

DIVISION I - TITLE

1-1-1 TITLE. Upon the adoption by the City Council, this "**Revised Code of Ordinances**" is hereby declared to be and shall hereafter constitute the Official City Code. The "**Revised Code of Ordinances of the City of Hillsboro**" shall be known and cited as the "**City Code,**" and it is hereby published by authority of the City Council and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the City Attorney, acting for said City Council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading, and to the general penalty clause relating thereto, as well as to the section itself when reference is made to this City Code by title in any legal document. **(See 65 ILCS 5/1-2-3)**

1-1-2 ACCEPTANCE. The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8.** **(See 65 ILCS 5/1-2-6)**

1-1-3 AMENDMENTS. Any ordinance amending this City Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be semiannually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semi-annual basis.

1-1-4 CODE ALTERATION. It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

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

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

1-1-6 - 1-1-7 RESERVED.

DIVISION II - SAVING CLAUSE

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

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; Ordinances Establishing, Naming or Vacating Streets, Alleys or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the City; and all Special Ordinances.

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

1-1-10 **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

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

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

1-1-12 **CITY CLERK'S CERTIFICATE.** The City Clerk's Certificate shall be in the following form:

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss. CITY CLERK'S OFFICE
CITY OF HILLSBORO)

I, Corey Davidson, City Clerk of the City of Hillsboro, Illinois do hereby certify that the following Revised Ordinances of the City of Hillsboro, Illinois, published by authority of the City Council were duly passed by the City Council of the City of Hillsboro, Illinois, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office, as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the City of Hillsboro, Illinois, this ___ day of _____, 2022.

COREY DAVIDSON, CITY CLERK
CITY OF HILLSBORO, ILLINOIS

(SEAL)

1-1-13 RESERVED.

DIVISION III - DEFINITIONS

1-1-14 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included, provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-15 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT" as used in this Code shall mean a person acting on behalf of another.

"CITY" shall mean the **City of Hillsboro, Illinois**.

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

"COUNCIL" unless otherwise indicated shall mean the City Council of this City.

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

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

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

"FISCAL YEAR". The "fiscal year" for the City shall begin on **May 1st of each year and end on April 30th of the following year.**

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

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

"MISDEMEANOR" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

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

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a City officer or employee by title only, this shall be construed as though followed by the words "of the City" and shall be taken to mean the officer or employee of this City having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the City Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

"OFFICIAL TIME." Central Standard Time shall be the official time for the transaction of City business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the City shall be set and run at the official time prescribed by this paragraph.

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

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

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

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

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

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

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

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

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

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

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

1-1-16 **CATCHLINES.** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-17 - 1-1-19 **RESERVED.**

DIVISION IV - GENERAL PENALTY

1-1-20 **PENALTY.**

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

(B) Any minor or person designated as a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Fifty Dollars (\$50.00)** unless a different minimum fee is provided for herein, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

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

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

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

(Ord. No. 1544; 09-27-11)

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

(A) Any person accused of a violation of this Code, **except a violation of Chapter 24, 34 and Chapter 40**, may settle and compromise the claim by paying to the City Clerk the minimum fine of **Fifty Dollars (\$50.00)** within **ten (10) days** from the time of the issuance of the citation therefor, or by paying to the City Clerk the sum of **Seventy-Five Dollars (\$75.00)** after **ten (10) days** but prior to a court appearance, unless a different minimum is otherwise provided in Section (B) hereof or elsewhere in this Code.

(B) The minimum fine if paid within **ten (10) days** of issuance of a citation for a violation of the following ordinances shall be as set forth in **Exhibit "A"** at the conclusion of this Chapter.

(C) The minimum fine for any offense listed in paragraph (B) hereof shall be increased by **Twenty-Five Dollars (\$25.00)** if paid after **ten (10) days** but before a court appearance.

(D) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in **Section 1-1-29** of this Code.

1-1-22 **SERVICE BY CERTIFIED MAIL.** In all actions for violation of any municipal ordinance where the fine would not be in excess of **Seven Hundred Fifty Dollars (\$750.00)** and no jail term could be imposed, service of summons may be made by the municipal clerk by certified mail, return receipt requested, whether service is to be within or without the State. **(See 65 ILCS 5/1-2-9.1)**

1-1-23 **APPLICATION.**

(A) The penalty provided in this Chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code where any duty is prescribed or obligation imposed or where any act which is of a continuing nature or declared to be unlawful shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than **one (1) recovery** shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-24 **LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

1-1-25 **INTEREST IN CONTRACTS PROHIBITED.**

(A) No person holding any office, either by election or appointment under the laws or Constitution of this State, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor if they meet the exemption requirements provided in **65 ILCS 5/4-8-6.**

ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

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

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

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

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

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

1-2-3 MEETINGS. The regular stated meetings of the City Council shall be held in the City Hall building on the **first (1st) and third (3rd) Tuesdays** in each month at **seven o'clock (7:00) P.M.** located at **447 South Main Street. (Ord. No. 1736; 09-27-22)**

When the meeting date falls upon a legal holiday, the meeting shall be held on the next secular day at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the **Meetings of Public Agencies Act of the State of Illinois, 5 ILCS 120/2.02 and 2.03. (See 65 ILCS 5/4-5-12)**

1-2-4 SPECIAL MEETINGS. Special meetings of the City Council may be called by the Mayor or any **two (2) Commissioners** by giving at least **forty-eight (48) hour** notice thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Commissioners; such notices shall be served by mail, by the Chief of Police or his designated representative. The notices shall specify the purpose of the special meeting and the business to be taken up at that time and place. The notice shall be posted at the City Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. The notice shall be provided to such news media in the same manner as the notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. **(See 65 ILCS 5/4-5-12 and 5 ILCS 120/2.02 and 2.03)**

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

1-2-6 COMMITTEES.

(A) **Appointment.** The standing committees of the Council shall be annually appointed by the Mayor and he shall be authorized to fill vacancies occurring in any of the committees.

(B) **Communications; Bills.** All petitions and communications to the Council and all bills against the City, unless by the unanimous consent of all the members present, shall be referred to appropriate committee and shall not be acted upon by the Council until after the report of the committee having the same in charge shall have been made.

(C) **Reports.** Every committee of the Council in reporting upon any subject referred to them shall attach to their report papers or documents in possession of the committee relative to the matter so referred.

(D) **Deferring Acting.** Any report of a committee of the Council shall be deferred for final action thereon to the next regular meeting of the Council after the report is made, upon the request of any **two (2) members** present.

1-2-7 ELECTRONIC ATTENDANCE AT MEETINGS.

(A) **Rules Statement.** The Mayor or any Commissioner of the City of Hillsboro, Illinois (the "City"), may attend any open or closed meeting of the City via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

(B) **Prerequisites.** The Mayor or any Commissioner of the City ("member") may attend a meeting electronically if the member meets the following conditions:

- (1) The member should notify the Clerk at least **three (3) days** before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
- (2) The member must assert one of the following **three (3) reasons** why he or she is unable to physically attend the meeting:
 - (a) The member cannot attend because of personal illness or disability; or
 - (b) The member cannot attend because of employment purposes or the business of the City; or
 - (c) The member cannot attend because of a family or other emergency.

(C) **Authorization to Participate.**

- (1) The Clerk, after receiving the electronic attendance request, shall inform the Mayor and the City Council of the City of the request for electronic attendance.
- (2) After establishing that there is a quorum is physically present at a meeting where a member desires to attend electronically, the presiding officer shall state that (i) a notice was received by a member in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by **two-thirds (2/3)** of the members of the City Council of the City physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the City Council physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

(D) **Adequate Equipment Required.** The member participating electronically and other members of the City Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the City shall provide equipment adequate to accomplish this objective at the meeting site.

(E) **Minutes.** Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

(F) **Rights of Remote Member.** A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

(G) **Committees, Boards and Commissions.** These rules shall apply to all committees, boards and commissions established by authority of the City.

(Ord. No. 1512; 06-22-10) (See 5 ILCS 120/7)

(H) See **Addendum "A" and "C"**.

1-2-8 RESERVED.

DIVISION II - CITY ADMINISTRATION

1-2-9 **CITY DEPARTMENTS.** The executive and administrative powers, authority and duties in the City are distributed into and among the following departments and the powers and duties to be performed are determined and assigned to the appropriate departments and officer as hereinafter set forth:

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

(See 65 ILCS 5/4-5-2)

1-2-10 **DEPARTMENT OF PUBLIC AFFAIRS.**

(A) **Mayor's Powers.** The Mayor shall have and exercise all the powers and perform all the duties provided or prescribed by the City Code not in conflict with any provisions of the City Code and shall have and exercise all the powers and perform all the duties provided or prescribed by law. The Mayor shall have the power to appoint commissioners to said Departments, with the advice and consent of the City Council as the Mayor deems appropriate for the City's best interest. **(Ord. No. 1691; 03-26-19)**

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

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

(D) **Departments and Officers.** The Corporation Counsel, City Attorney, Assistant City Attorney and other officers and employees of the law department, the City Library and library buildings and grounds and Library Directors and other officers and employees in the library and their respective offices or departments and all officers and employees therein, and all property used in such respective offices or departments; and all other officers, employees or functionaries not by law or ordinance distributed or assigned to some other departments are assigned to the Department of Public Affairs. **(See 65 ILCS 5/4-5-3)**

1-2-11 **DEPARTMENT OF ACCOUNTS AND FINANCES.**

(A) **Commissioner's Duties.** The Commissioner of Accounts and Finances shall be Superintendent of the Department of Accounts and Finances and shall have charge of and supervision over all accounts and records of the City and in all matters relating to the accounts and finances of the City except the accounts and records of the Collector of Water Rates, his office or department, over all officers, boards or departments required to keep or make accounts, records and reports.

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

(C) **Purchases.** The Commissioner shall have charge of the purchase, care and distribution of all supplies and other articles and chattels and shall be the only purchasing agent of the City. All purchases must be made by and with the consent of the Commissioner of the department for which the supplies are to be purchased. He shall have charge and supervision over all printing by or for the City unless otherwise provided by law.

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

(E) **Departments and Officers.** The City Clerk, City Treasurer, and all their respective offices and departments and all officers, assistants and employees therein, and all bookkeepers and accountants (except the bookkeeper and accounts in the office of Collector of Water Rates, the Waterworks Department) are assigned to the Department of Accounts and Finances and shall be under the supervision and direction of the Commissioner thereof.

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

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

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

1-2-12 DEPARTMENT OF PUBLIC HEALTH AND SAFETY.

(A) **Departments and Officers.** The Police Department, the Superintendent and Chief of Police, and all officers and employees in the Police Department, License Collector, and all police stations and property and apparatus used in the Police Department, the police and fire alarm system and all property and apparatus belonging thereto, the Fire Marshal and Chief of Fire Department and the Fire Department, and all firemen, officers and employees therein, and all fire stations, property and apparatus used in the Fire Department, Board of Health and Health Department, and all officers, assistants and employees therein, and the plumbing and sanitary inspection, the City Electrician, Electrical Inspector, Commissioner and Inspector of Buildings, Building and Fire Inspector and their respective offices or departments, and all property and apparatus used therein, and all officers, assistants and employees thereof, are all assigned to the Department of Public Health and Safety.

(B) **Commissioner's Duties.** The Commissioner of Public Health and Safety shall be Superintendent of the Department of Public Health and Safety, and shall have charge of and supervision and direction over all officers and employees assigned to the department and over all the buildings, property and apparatus.

He shall have charge of and supervision over the removal and discharge of garbage.

He shall have supervision over the construction and repairs of all buildings assigned to the department and may, on his application, receive assistance therein from other officers and departments of the City.

1-2-13 DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.

(A) **Commissioner's Duties.** The Commissioner of Streets and Public Improvements shall be Superintendent of the Department of Streets and Public Improvements, and shall take charge of all public work, the cleaning and sprinkling of streets and public places, the erection and reconstruction of all street improvements, sidewalks, lighting of streets and alleys and of all lamps, lights, lighting materials and persons charged with the care thereof, sewers, bridges, viaducts and public buildings and other improvements, and of the repair thereof when such public buildings, other improvements and repair thereof are not otherwise assigned.

He shall have control and supervision over all dumping grounds and dumps.

He shall have control and supervision over all public service utilities and all persons or corporations rendering service in the City under any franchise, license, contract or grant made or granted by the City or State, and shall report to the Council or other proper officer any failure of the person or corporation to render services or to observe the requirements or conditions of the franchise, contract, license or grant under which such public service utility is operated.

He shall have charge, control and supervision of and shall manage the waterworks and wastewater treatment plant of the City with all the lands, rights-of-way, pumping works, wells, galleries, machinery, water mains, distributing pipes, hydrants, meters, water rents and the collection thereof, liens, apparatus, property and effects of every kind appertaining to the waterworks and wastewater treatment.

(B) **Departments and Officers.** The City Engineer, Sidewalk Inspector, Superintendent of Streets, Superintendent of Wastewater, Superintendent of Waterworks and Superintendent of Special Assessments, their respective offices or departments and all officers, assistants and employees therein, and all property and apparatus of the respective officers, offices or departments are assigned to the Department of Street and Public Improvements and shall be under the supervision and direction of the Superintendent thereof. **(Ord. No. 1529; 06-14-11)**

1-2-14 **DEPARTMENT OF PUBLIC PROPERTY.**

(A) **Commissioner's Duties.** The Commissioner of Public Property shall be Superintendent of the Department of Public Property and shall have charge, control and supervision of and shall manage the reservoir, reservoir parks and campgrounds, Central Park and Central Park Pool, the Harkey House, the Challacombe House and grounds, the Veteran's Memorial, Lincoln Plaza and any other after acquired public property not assigned to another department.

He shall have control, management, direction and supervision of public grounds and buildings, not otherwise assigned to or used by some other department and persons charged with the care thereof.

He shall have control, management, direction and supervision of the City Hall, the custodians, janitors, elevator operators and watchmen thereof. He shall have charge of the furniture and fixtures in the City Hall not otherwise assigned to or used by some other department.

(B) **Departments and Officers.** The Superintendent of Parks and all officers, assistant and employees of the same or connected with the same, and all other lands and buildings not otherwise assigned are assigned to the Department of Public Property and shall be under the supervision and direction of the Superintendent thereof.
(Ord. No. 1529; 06-14-11)

1-2-15 **DEPARTMENT REGULATIONS.** The Commissioner of each department shall make and enforce such rules and regulations not inconsistent with the law or this Code or rules and regulations adopted by the City Council as may be necessary to secure efficient conduct of the service of his department or the business in charge thereof.

1-2-16 **MAYOR'S DUTIES.**

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

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

1-2-17 **OFFICE OF CITY CLERK/TREASURER/COLLECTOR.**

(A) The same or different person or persons shall be City Clerk, City Treasurer and Collector of Water Rates of the City, and the person or persons who shall fill these offices shall be appointed in accordance with **Section 1-2-16**. Such person or persons shall perform all the duties

pertaining to each of the offices as prescribed by this Code, and shall also keep such additional records and books of account as may be prescribed by the Council or by the Superintendent of Accounts and Finances.

(B) The person so appointed City Clerk shall, before entering upon the duties of the office of City Clerk, execute a bond to the City in the penal sum determined by the Council, conditioned for the faithful performance of the duties of the office of City Clerk and the payment of all monies that may be received by him, according to law and this Code. The person appointed Collector of Water Rates shall execute a like bond as Collector of Water Rates with such sureties as shall be approved by the Council, conditioned for the faithful performance of the duties of the office of Collector of Water Rates, and the payment of all monies that may be received by him according to law and this Code. The person appointed City Treasurer shall execute a bond, as City Treasurer, payable to the City in a penal sum not less than the amount required by statute, with sureties approved by the Council, conditioned for the faithful performance of the duties of the office of City Treasurer and the payment of all monies received by him as City Treasurer, according to law and this Code. **(Ord. No. 1216; 06-27-95)**

1-2-18 DUTIES AS CITY CLERK.

(A) **Minutes; Notices.** The Clerk shall attend all meetings of the City Council and shall keep a suitable book to be styled "**The Record of the City Council**", a full and faithful record of its proceedings. He shall issue and cause to be served upon all members notices of all special meetings of the Council.

(B) **Delivery of Papers.** The Clerk shall, without delay, upon the adjournment of each meeting of the Council, notify and upon demand, shall deliver to the officers of the City, copies of all petitions, communications, reports, resolutions, orders, claims and other papers referred by the Council.

(C) **Official Papers.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of the City, and shall attest the same with the corporate seal; and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by the City.

(D) **Record of Elections and Appointments.** The Clerk shall keep a record of the election or appointment and confirmation of all officers of the City, showing the date of confirmation or election, the date of commission, and the date of death, resignation, removal or expiration of term of office.

(E) **Records to Successor.** The Clerk shall carefully preserve in the office, all books, records, papers, maps and effects of every description belonging to the City or pertaining to his office, and not in the actual use and possession of other City officers, and upon the termination of his service in office, shall deliver all such books, records, papers and effects to his successor in office.

(F) **Books; Examination.** The Clerk shall, under the direction of the Commissioner of Accounts and Finances, keep a complete set of books, in which, among other things, shall be set forth the appropriation of the fiscal year for each distinct object and branch of expenditures and also the receipts from each source of revenue, so far as he can ascertain the same. The books and all contracts, bonds, deeds, warrants, vouchers, receipts, and other papers kept in his office shall be subject to the examination of the Mayor or members of the Council.

(G) **Warrants; Record.** The Clerk shall keep in a suitable book an accurate list of all warrants drawn, showing the date, number and amount of each and the name of the person in whose favor drawn. All warrants drawn shall be signed by the Mayor and countersigned by the Treasurer, and shall specify therein the particular fund or appropriation in which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such warrants so drawn.

(H) **Accounts.** The Clerk shall keep a detailed account of the City revenue and of each separate fund, crediting the same with all receipts or appropriations and charging it with all warrants drawn thereon, and he shall charge each warrant to the fund or appropriation against which it is drawn. He shall also keep an accurate account of all debts due from or owing to the City, and shall keep a book in which he shall enter a correct list of all notes or other obligations given by or payable to the City, with the date thereof, the person to whom or by whom payable, the rate of interest, the time and manner in which the principal and interest are payable, and such other particulars as may be necessary to the full understanding thereof.

(I) **Appropriation Exhausted.** Whenever any fund or appropriation is exhausted, the Clerk shall, without delay, notify the Council thereof, and he shall not thereafter draw any warrant against such fund or appropriation until the same shall be renewed.

(J) **Balance to General Fund.** It shall be the duty of the Clerk to transfer and place to the credit of the General Fund, all unexpended balances of appropriations of the former year remaining at the time that the annual appropriation bill of each year goes into effect. No such transfer shall be made or disposition ordered of any trust fund, or any fund arising from special assessment or special taxation, nor in cases where contracts have been made or liabilities incurred on account of any such appropriation, and remain uncompleted or unpaid at the time the appropriation bill goes into effect, nor of any fund created for any purpose or for the payment of any liability exclusively provided for by taxation, nor Water and Sewer Department funds which, by law, shall not be transferred.

(K) **Public Improvements.** The Clerk shall keep in his office a correct list of all local or public improvements ordered by the Council and let under contract by the City. All contracts and specifications therefor made by authority of the Council or by any officer of the City pursuant thereto, in relation to such improvements, shall be filed in the Clerk's office.

(L) **Monthly Report to Council.** The Clerk shall report in writing to the Council at the second regular meeting each month, an itemized statement of all monies received, the account whereon collected, and a classified summary of all expenditures during the preceding month. The report shall also show the exact condition of each fund or appropriation, the total amount which has been used or expended thereof and the balance, if any, which is subject to be used or drawn.

(M) **Official Papers.** The Clerk shall exercise a general supervision over all the officers of the City charged in any manner with the receipt, collection or disbursement of City revenues, and the collection and return of all such revenues into the City Treasury. He shall have the charge, custody and control of all deeds, leases, warrants, contracts, bonds, obligations, vouchers, books, and papers of every kind, the custody of which is not by law or this Code given to any other officer.

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

(O) **Annual Report.** The Clerk shall, between the **first (1st) and tenth (10th) days of April** in each year, make out and file with the Commissioner of Accounts and Finances, an annual report giving a detailed statement of all the receipts and revenues of the City during the preceding fiscal year. The report shall also detail the resources and liabilities of the City, the conditions of all unexpended appropriations and unfulfilled contracts, the balance of money then remaining in the Treasury, with all sums due and outstanding; a list of all real estate owned by the City, and the amount per year received as rent for the same; the names of all persons who may have become defaulters to the City and the amount of such default; and all other matters necessary to exhibit the true financial condition of the City. The report, when examined and approved by the Council, shall be published as a part of the records of the next meeting of the Council.

(P) **Other Duties.** The Clerk shall perform all such other and further duties pertaining to his office as are or may be imposed upon him by law or ordinance or by direction of the Council.

(Q) **Deputy.** In case of the temporary absence or disability of the City Clerk, he may, by a certificate in writing filed in his office, appoint a Deputy Clerk who, during such absence or disability and until the next regular meeting of the Council, shall be empowered to perform the duties of the City Clerk.

Such appointment shall not extend beyond the time of the next regular meeting of the Council except by the consent of the Council.

Any person whose appointment as deputy has been once disapproved by the Council shall not be appointed a second time by the City Clerk. **(Ord. No. 1216; 06-27-95)**

1-2-19 DUTIES AS CITY TREASURER.

(A) **Register of Warrants.** The City Treasurer shall keep an accurate register of all warrants redeemed and paid by him, showing the number, date and amount of each, the fund from which paid and the name of the person to whom and when paid; and he shall cancel all warrants as soon as redeemed by him.

(B) **Drawing Warrants.** All warrants drawn upon the Treasury shall be signed by the Mayor and countersigned by the City Treasurer and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable. No money shall be otherwise paid than upon such warrants so drawn.

(C) **Warrants Lost or Destroyed.** When any City warrant shall be lost or destroyed so that it cannot be presented to the City Treasurer for payment by the person entitled thereto, such person may apply by written petition to the Council for relief; and upon his filing an affidavit of the loss or destruction of the original warrant and giving bond to the City with security approved by the Council, to refund the amount of such warrant and pay all costs in case the original or lost warrant should be presented and the City be compelled to pay the same, the Council may order the City Treasurer to issue a duplicate warrant to the person so entitled to payment.

(D) **Fund Exhausted.** Whenever any fund or appropriation is exhausted, the City Treasurer shall, without delay, notify the Council thereof, and no warrants shall thereafter be drawn against such fund or appropriation until the same shall be renewed.

(E) **Delinquent Officer.** It shall be the duty of the City Treasurer to report to the City Clerk any officer authorized to receive money for the use of the City who may fail to make a return of the monies received by him at the time required by law or by this Code. **(Ord. No. 1216; 06-27-95)**

1-2-20 BOOKKEEPING; PAYROLL. The Treasurer shall keep his books and accounts in such a manner as to show with accuracy all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Department of Accounts and Finances of the Council.

The Treasurer shall prepare the City payroll for all persons who come under appropriations for salaries. **(Ord. No. 1216; 06-27-95)**

1-2-21 STATEMENTS. The Treasurer shall report to the corporate authorities at the first monthly meeting, a full and detailed account of all receipts and expenditures of the Municipality as shown by his books, up to the time of the report. **(Ord. No. 1216; 06-27-95)**

1-2-22 ANNUAL ACCOUNTS; PREPARATION AND FILING; CONTENTS; PUBLICATION. Within **six (6) months** after the end of each fiscal year, the Treasurer shall annually prepare and file with the City Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show in such account the following:

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

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

(C) All monies paid out by the Municipality as compensation for personal services, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each such account, except that the Treasurer may elect to report the compensation for personal services of all personnel by name, listing each employee in one of the following categories, if instructed to do so by the City Council:

- (1) under \$25,000.00;
- (2) \$25,000.00 to \$49,999.99;
- (3) \$50,000.00 to \$74,999.99;
- (4) \$75,000.00 to \$99,999.99;
- (5) \$100,000.00 to \$124,999.99; or
- (6) \$125,000.00 and over.

(Ord. No. 1380; 02-10-04)

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

Upon receipt of such account from the Treasurer, the Clerk shall publish the account at least once in **one (1)** or more newspapers published in the Municipality. **(Ord. 1216; 06-27-95) (65 ILCS 5/3.1-35-65)**

1-2-23 DEPOSIT OF FUNDS.

(A) **Designation by Council.** The Treasurer, Water Revenue Collector, Sewer Revenue Collector, and the City Clerk are hereby required to keep all funds and moneys in their custody belonging to the City in such places of deposit as have been designated by **Section 1-2-24**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the City in the custody of the City officials. When a bank has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Treasurer, Water Revenue Collector, Sewer Revenue Collector, and the City Clerk of that fact, in writing, at least **five (5) days** before the transfer of funds.

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

(C) **Discharge from Responsibility.** The Treasurer and the aforementioned officials shall be discharged from responsibility for all funds or monies which they deposit in a designated bank while the funds and monies are so deposited. If City funds or monies are deposited in a designated bank, however, the amount of such deposits shall not exceed **seventy-five percent (75%)** of the bank's or savings and loan association's capital stock and surplus, and the Treasurer, Collector of the City Water and Sewer Department, City Clerk, Water Revenue Collector, and the Sewer Revenue Collector shall be responsible for funds or monies deposited in the bank in excess of this limitation. **(Ord. No. 1216; 06-27-95)**

1-2-24 INVESTMENTS. The Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of investments:

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

- (B) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.
- (C) Short term discount obligations of the Federal National Mortgage Association.
- (D) The following banks are herewith designated as places of deposit where the Treasurer is required to keep all funds and monies in his custody belonging to the Municipality:
 - (1) National Bank; Hillsboro, Illinois
 - (2) Bank of America, Hillsboro Branch
 - (3) First Community Bank, Hillsboro, Illinois
 - (4) Carlinville National Bank, Hillsboro Banking Center

(Ord. No. 1554; 03-13-12)

1-2-25 **DUTIES OF COLLECTOR OF WATER RATES.**

(A) **Duties.** It shall be the duty of the Collector of Water Rates to collect and receive all money due to the Water System of the City. He shall make the necessary records pertaining to such collections as required by this Code.

(B) **Reports.** The Collector of Water Rates shall make such reports regarding delinquent water accounts as required by this Code and shall make a monthly report to the City Council showing what money has been received and the source thereof.

The Collector shall also make an annual report, during the last month of the fiscal year, showing all activities of his office. **(Ord. No. 1216; 06-27-95)**

1-2-26 **CITY ATTORNEY.**

(A) **Appointed.** The City Attorney shall be appointed by Council the Mayor, by and with the advice and consent of the City and the appointment shall be for a term of **four (4) years.**

(B) **Compensation.** The City Attorney shall be entitled to receive remuneration for his services in an amount to be determined by Resolution of the City Council. **(Ord. No. 1268; 04-27-99)**

(C) **Additional Attorney's Fees.** The City Attorney shall receive as remuneration for services in the prosecution or defense of any and all law suits or actions at law or in equity, including prosecutions of violations of ordinances to which the City may be a party or in which may be interested or which may be brought against, or by any officer of the City on behalf of the City, or in the capacity of such persons as an officer of the City; representation of the City or any officer of the City on behalf of the City in labor matters and in the Appellate Court or Supreme Court of the State of Illinois or in any of the Federal Courts; legal services performed relative to bond issues, construction work, obtainment of easements and other services similar thereto, the Attorney shall be entitled to additional fees, the amount of which to be charged shall be reasonable and customary fees. **(#861; 09-14-76)**

1-2-27 **VACANCIES.** If a vacancy occurs in any of these offices, the remaining members of the Council, within **thirty (30) days** after the vacancy occurs, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election under Section 3.1-10-50 of this Chapter and until the successor is elected and has qualified. **(See 65 ILCS 5/4-3-4)**

1-2-28 - 1-2-29 **RESERVED.**

DIVISION III - RULES OF THE COUNCIL

1-2-30 COUNCIL RULES AND ORDER OF BUSINESS.

(A) **Call to Order.** The Mayor shall take the chair at the hour appointed for the Council to meet and immediately call the members to order. He shall order the roll to be called, and at the instance of any **two (2) members** present shall compel the attendance of absent members. If the Mayor is temporarily absent from the City or disabled, the Commissioner of Finance shall act as Mayor Pro-tem, who, during such absence or disability shall possess the powers and perform the duties of the Mayor. **(Ord. No. 1654; 10-11-16)**

(B) **Calling Roll.** The City Clerk shall call the roll of members and shall enter upon the journal the names of members present and absent. If any member shall enter or depart after any business has been transacted, the City Clerk shall record the fact in the minutes of the meeting.

(C) **Approving Minutes.** The minutes of the last meeting and of all prior meetings which have not already been read and disposed of shall be read by the City Clerk and corrected if necessary. If there are no objections, the presiding officer shall announce that the minutes stand approved.

(D) **Order of Reports, Etc.** The presiding officer shall call for the reports of committees and officers, and the same shall be made and acted upon, and the business shall be transacted in the following order:

- (1) Receiving and referring to proper committees, or otherwise disposing of all resolutions, petitions, ordinances, remonstrances, and communications generally.
- (2) Receiving and referring to proper committees, or otherwise disposing of all bills, etc. against the City.
- (3) Report of City Officers.
- (4) Visitors. **(See Section 1-2-32)**
- (5) Committee on ordinances, including the report of the committee on any ordinance or other matter referred to it, and such action of the Council as may be necessary on any ordinance which may be introduced, or which shall be pending before it.
- (6) Committee reports.
- (7) Miscellaneous business.
- (8) Adjournment.

(E) **Second to Motions.** Any motion or resolution made or entered by any member of the Council shall be duly considered and acted upon under the rules governing the transaction and order of business of the Council.

(F) **Members Shall Vote.** No member of the Council shall vote on any motion, resolution or question in which he has a personal, private or pecuniary interest; in all other questions before the Council all Commissioners shall vote. The Mayor may vote at his discretion. **(Ord. No. 1624; 08-25-15)**

(G) **Suspending Order of Business.** The Council may at any time by a two-thirds (2/3) vote of all the members present, suspend the order of business prescribed by this Code, but no such suspension of the order of business shall have any effect or be in force for a longer time than the meeting at which it is made.

(H) **Passage of Ordinances.** No ordinance shall be passed until it shall have been read. The yeas and nays shall be taken upon the passage of all ordinances, and all propositions to create any liability against the City or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered upon the journal of its proceedings. The concurrence of a majority of all the members elected in the Council shall be necessary for the passage of any such ordinance or proposition.

(I) **Resolutions.** Resolutions may be passed with **one (1) reading** and shall be copied at length into minutes of the meeting at which the same is passed. Any member may call for the yeas and nays upon any resolution and demand that the same shall be entered at length in the minutes of the meeting.

(J) **Parliamentary Rules.** All meetings and proceedings of the Council shall be governed by the procedures prescribed in **Robert's "Rules of Order"**, except as otherwise provided by this Code.
(See 65 ILCS 5/3.1-40-15)

1-2-31 AGENDA. An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than **forty-eight (48) hours** prior to the regular Council meeting. In the case of emergency matters, which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting. **(See 5 ILCS Sec. 120/2.02)**

1-2-32 ADDRESS BY NON-MEMBERS.
(A) Public Comment Request. Any person not a member of the City Council may address the City Council with regard to items of proposed business under the following rules:

- (1) He or she shall rise (if not physically impaired) and state his or her name and address for the record and unless further time is granted by the Council to limit remarks to **five (5) minutes**. All remarks shall be addressed to the City Council, not to any member thereof.
- (2) No person other than the Council member recognizing the individual addressing the Council and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Council without the permission of the Mayor. No questions shall be asked of an Alderman except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the City Council shall be forthwith evicted from the Council room by the Mayor.

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

- (1) The City shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the City.
- (2) Auxiliary aids and services shall be provided in a timely manner.
- (3) Individuals shall notify the City Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "B", Request for Auxiliary Aid(s) and/or Services)**

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

1-2-33 – 1-2-36 RESERVED.

DIVISION IV - OFFICERS AND EMPLOYEES

1-2-37 THE SEAL.

(A) The seal provided by the Council, being circular in form, shall consist of the word, "**Seal**" in the interior circle and the words, "**City of Hillsboro, Illinois**" around the outer edge of the seal. Such seal shall be and hereby is established and declared to be the seal of the City. **(06-28-1869) (See 65 ILCS 5/2-2-12)**

(B) The corporate seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the City Clerk, who shall be the legal custodian. **(See 65 ILCS 5/3.1-35-90)**

1-2-38 ELECTIONS.

(A) **Election Procedure.** The provisions of the **Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/3.1-10-10** concerning municipal elections shall govern the conduct of the City elections.

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

1-2-39 APPOINTMENT OF ELECTED OFFICIALS.

No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Alderman is granted a leave of absence from such office. However, such Alderman may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this Section is void. **(See 65 ILCS 5/3.1-15-15)**

1-2-40 MUNICIPAL OFFICERS - REGULATIONS.

(A) **Effect.** The provisions of this Division shall apply alike to all officers and employees of the City, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee.

(B) **Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position.

(C) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office all property, books and effects in his possession belonging to the Municipality or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code.

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

(E) **Fees.** No officer of the Municipality shall be entitled to charge or receive any fees as against the City.

(F) **Report of Fees.** All officers of the City entitled to receive fees shall keep a correct account thereof, and make a report thereof, under oath to the City Council on the first Tuesday of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the City Treasury.

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

(H) **Conservators of Peace.**

- (1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Aldermen and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:
 - (a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
 - (b) to commit arrested persons for examination,
 - (c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
 - (d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.
- (2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(See 65 ILCS 5/3.1-15-25)**

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

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

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.

(See 65 ILCS 5/3.1-15-20) (See "Administration of Oaths"; Section 1-2-63)

1-2-41 RESIDENCE REQUIREMENT. No person shall be eligible to hold any office who is not a qualified elector of the City and who shall not have resided therein for at least **one (1) year** next preceding his election or appointment, nor shall any person be eligible who is a defaulter to the City. This shall not apply to the City Engineer, City Attorney, Health Officer, or Treasurer for whom technical training or knowledge is required.

EDITOR'S NOTE: The test of residence in the Municipality is physical presence at fixed locations for **one (1) year** and permanent intention to remain in the community. **(People ex rel v. Tueffel, 334 Ill. App. 626)**

(A) Members of the Zoning Board of Appeals and the Planning Commission shall reside within **one and one-half (1 ½) miles** of the corporate limits.

(B) Members of all other Boards and Committees of the City shall reside within **six (6) miles** of the corporate limits.

(C) The Mayor and Commissioners shall be residents of the City.
(Ord. No. 1504; 09-08-09)

(D) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the

municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A). **(People v. Hofer, 363 Ill. App 3d 719 (5th District))**

1-2-42 BONDS OF OFFICERS.

(A) **Amount.** The bonds of officers, required under the **Illinois Compiled Statutes, Chapter 65, Section 5/4-4-2** shall be executed in the following penal sums:

(1)	Mayor	\$50,000.00
(2)	City Commissioners	\$50,000.00
(3)	City Treasurer	\$50,000.00
(4)	City Collector	\$50,000.00
(5)	City Clerk	\$50,000.00

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

(C) **Surety.** The City Council shall not receive or approve any bond or security whereon the name of the City Council, any one of the commissioners, or any elected or appointed officers of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the City Council, or if any bondsman, after becoming such is elected or appointed to any office, this Section shall not act as a release of any such obligation incurred.

1-2-43 CITY OFFICES CONSOLIDATED.

(A) The City Council may, from time to time, by law, impose upon any officerfilling any office created by the ordinances of the City any such other or further duties as shall be consistent with the laws of this State, and may consolidate any **two (2)** or more of the offices and impose the duties thereof upon any other officer, and may make any such regulations respecting such offices as shall be consistent with the laws of this State.

(B) In case the City Council consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place.

1-2-44 LIABILITY INSURANCE.

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

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

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

1-2-45 BIDDING AND CONTRACT PROCEDURES.

(A) Except as otherwise provided, all contracts, whatever character they may be pertaining to public improvement or to the maintenance of public property of a municipality involving the outlay of **Twenty-Five Thousand Dollars (\$25,000.00)** or more, shall be based upon specifications to be approved by the Council. **(Ord. No. 1672; 04-24-18)**

(B) Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation when the expense thereof will exceed **Twenty-Five Thousand Dollars (\$25,000.00)**, shall be constructed as follows:

- (1) By a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed by this Code except that such contract may be entered into by the property officers without advertising for bids if authorized by a vote of **four (4)** of the **five (5)** Council members elected; or
- (2) In the following manner if authorized by a vote of **four (4)** of the **five (5)** Council members elected: The Commissioner of Public Works or other proper officers to be designated by this Code shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the City shall pay by the day or hour, but all material valued at **Twenty-Five Thousand Dollars (\$25,000.00)** and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by this Code. Nothing contained in this Section shall apply to any contract by a municipality with the United States of America or any agency thereof. **(See 65 ILCS 5/4-5-11) (Ord. No. 1672; 04-24-18)**

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

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

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

(F) **Bid Opening Procedure.**

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

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

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

(I) **Award of Contract.**

(1) **Authority in City.** The City Council shall have the authority to award contracts within the purview of this section.

(2) **Lowest Responsible Bidder.** The lowest responsible bidder does not mean the lowest bidder financially only, but shall mean the bidder who, by experience and other qualifications, is deemed most capable of performing the work required in a satisfactory manner. **(Ord. No. 1672; 04-24-18)**

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

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

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

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

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

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

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

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

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

(j) Whether the bidder has furnished a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

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

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the City without observing the bidding procedures prescribed by this section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies materials or services, the City Council shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) **Cooperative Purchasing.** The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. **(See 65 ILCS Sec. 5/2-2-12, 8-9-1 and 8-9-2)**

(N) **Purchases Less Than Twenty-Five Thousand Dollars (\$25,000.00).** The Commissioner of the Department for which purchases or contracts in an amount of **One Thousand Dollars (\$1,000.00)** or less shall approve said purchase or contract. The Mayor and the Commissioner of the Department for which purchases or contracts in an amount of **One Thousand One Dollars (\$1,001.00)** to **Two Thousand Dollars (\$2,000.00)** shall approve said purchases or contracts. Any purchases or contracts in an amount exceeding **Two Thousand Dollars (\$2,000.00)** shall require approval of a majority of a quorum of the City Council. **(Ord. No. 1715; 07-27-21)**

1-2-46 SALARIES REGULATION.

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

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

(See 65 ILCS Sec. 5/3.1-50-5 and 5/3.1-50-10)

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

1-2-47 CLAIMS.

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

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

1-2-48 YEAR DEFINED.

(A) **Fiscal Year.** The fiscal year of the City shall begin on **May 1st** of each year and end on the following **April 30th**. **(1975 Code; Sec. 315) (Fiscal Year Defined: 65 ILCS 5/1-1-2)**

(B) **Municipal Year.** The municipal year of the City shall begin on **May 1st** of each year and shall end on **April 30th** of the following year.

1-2-49 EXPENSE REIMBURSEMENT POLICY.

(A) **Definitions.**

(1) "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

(2) "Public Business" means the expenses incurred in the performance of a public purpose which is required or useful for the benefit of the City to carry out the responsibilities of City business.

(3) "Travel" means any expenditure directly incident to official travel by employees and officers of the City or by wards or charges of the City involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(B) The City shall only reimburse travel, meal, and lodging expenses incurred by its Aldermen and Mayor for public business by roll call vote at an open meeting of the City Council of the City.

(C) The City shall only reimburse travel, meal, and lodging expenses incurred by its employees and officers (other than Aldermen and Mayor) for public business up to a maximum of **Two Hundred Fifty Dollars (\$250.00)** per individual per year. Expenses for travel, meals, and lodging of exceeding **Two Hundred Fifty Dollars (\$250.00)** per individual per year may only be approved by roll call vote at an open meeting of the City Council of the City.

(D) No reimbursement of travel, meal or lodging expenses incurred shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form" in **Addendum "B"**, attached hereto and made a part hereof, has been submitted. Travel, meal and lodging expenses for employees and officials other than Aldermen or the Mayor shall be pre-approved by the Mayor before the expense is incurred. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act **(See 5 ILCS 140/1 et seq.)**

(E) **Non-reimbursable Expenses.**

(1) The City shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would

otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Section.

(2) Alcohol shall be excluded from reimbursement.

(F) Meal expense reimbursement shall be calculated using the per diem rates on www.gsa.gov.

(G) The Mayor shall have authority and discretion to approve or deny requests for travel, meal and lodging expense reimbursement for employees and officers other than Aldermen or the Mayor up to the amount allowed in paragraph (B) of this Section.

(Ord. No. 1658; 01-10-17)

1-2-50 **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-51 **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**

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

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

1-2-52 **ILLINOIS MUNICIPAL RETIREMENT FUND.**

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

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

1-2-53 **CERTIFICATES OF INSURANCE.** All contractors and sub-contractors doing work for the City shall first provide a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage. **(Ord. No. 999; 09-28-82)**

1-2-54 **DISPOSITION OF SURPLUS PERSONAL PROPERTY.**

(A) From time to time, the Mayor and the Commissioner of Public Property shall review the personal property of the City for the purpose of determining whether there is any surplus property that is no longer of valuable or necessary use to the City.

(B) Upon the written determination in the discretion of the Mayor and the Commissioner of Public Property that an item of personal property is surplus, each of them shall report such determination to the entire Council at least **five (5) business days** prior to any intended disposition of such property. Unless action is taken by the Council, the Mayor and the Commissioner of Public Property shall be authorized to sell the designated surplus property. The manner of sale of the surplus property shall be upon such terms and conditions as are deemed by the Mayor and the Commissioner of Public Property to be in the best interests of the City.

(C) The Mayor and the Commissioner of Public Property are hereby authorized to take such actions and to execute such documents as they deem necessary or advisable to effect the sale of any such designated surplus property in a commercially reasonable manner by either public or private sale. The terms and conditions of such sale shall be reported to the Council no later than its next regular meeting.

(Ord. No. 1508; 03-09-10)

1-2-55 **RESERVED.**

DIVISION V - CODE ENFORCEMENT OFFICER

1-2-56 **OFFICE ESTABLISHED AND APPOINTMENT.** There is hereby created the office of Code Enforcement Officer, an office of the City under the charge and supervision of the Commissioner of Public Health and Safety. The Code Enforcement Officer shall be the Chief of Police. **(Ord. No. 1533; 06-14-11)**

1-2-57 **DUTIES.** It shall be the duty of the Code Enforcement Officer to see to the enforcement of all Code provisions relating to buildings or zoning including, but not by way of limitation, the Nuisance Code, Zoning Code and all other City ordinances or State statutes, and to inspect all buildings or structures being erected or altered, as frequently as may be necessary, to insure compliance with this Code. He shall see to the enforcement of all laws in this Code and as prescribed in the Department of Public Health and Safety. He shall be a member of the nuisance abatement committee and appear at all nuisance hearings. He shall take direction from the Commissioner of Public Health and Safety and the Mayor. The Chief of Police shall report to the Commissioner of Public Health and Safety and the Mayor. **(Ord. No. 1533; 06-14-11)**

1-2-58 **APPOINTMENTS.** The Code Enforcement Officer may appoint such other sworn police officers as Deputy Code Enforcement Officers as he deems necessary. Said deputies shall report to the Chief of Police and take direction from the Chief of Police. **(Ord. No. 1533; 06-14-11)**

1-2-59 **STOP ORDER.** The Code Enforcement Officer shall have the power to order all work stopped on construction or alteration or repair of buildings or structures in the City when such work is being done in violation of any provision of this Code relating thereto, or in violation of any Zoning Code. Work shall not be resumed after the issuance of such an order, except on the written permission of the Commissioner of Public Health and Safety provided that if the stop order is an oral one, it shall be followed by a written stop order within **one (1) hour**. Such written stop order may be served by any policeman or by the Code Enforcement Officer. **(Ord. No. 1533; 06-14-11)**

1-2-60 **ENTRY POWERS.** The Code Enforcement Officer 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 is going on for the purpose of making inspection at any reasonable hour. **(Ord. No. 1533; 06-14-11)**

ARTICLE III - SALARIES

1-3-1 **ESTABLISHED.** The Mayor and City Commissioners of this City shall be paid as compensation for their services an annual salary, payable monthly or semi-monthly as the Council shall determine, in the sum hereinafter set forth opposite the designated office:

(A) **Department of Public Affairs - Mayor.** The compensation for the Mayor shall be **Seven Thousand Dollars (\$7,000.00)** per year.

(B) **Department of Accounts and Finance - Commissioner.** The compensation for the Commissioner of the Department of Accounts and Finance shall be **Three Thousand Five Hundred Dollars (\$3,500.00)** per year.

(C) **Department of Public Health and Safety - Commissioner.** The compensation for the Commissioner of the Department of Public Health and Safety shall be **Three Thousand Five Hundred Dollars (\$3,500.00)** per year.

(D) **Department of Streets and Public Works - Commissioner.** The compensation for the Commissioner of the Department of Streets and Public Works shall be **Three Thousand Five Hundred Dollars (\$3,500.00)** per year.

(E) **Department of Public Property - Commissioner.** The compensation for the Commissioner of the Department of Public Property shall be **Three Thousand Five Hundred Dollars (\$3,500.00)** per year.

(Ord. No. 1682; 09-25-18)

1-3-2 **SALARY OF CITY CLERK.** The office of City Clerk shall be paid as compensation for services an annual base salary as provided in the annual budget.

1-3-3 **SALARY OF CITY TREASURER.** The office of City Treasurer shall be paid as compensation for services an annual base salary as provided in the annual budget.

(Ord. No. 1268; 04-27-99)

ARTICLE IV - MANAGEMENT ASSOCIATION

1-4-1 **PARTICIPATION.** The City Council does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of **one (1) year** beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this ordinance is repealed.

1-4-2 **CONTRIBUTION.** Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the City, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

(Ord. No. 1655; 11-09-16)

ARTICLE V – RECORDING CLOSED MEETINGS

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

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

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

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

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

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

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

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

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

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

APPENDIX "A"

ELECTRONIC ATTENDANCE REQUEST

I hereby request to electronically attend the meeting of the City of Hillsboro, Illinois, on _____, 20____, at _____ p.m.

I am eligible to participate electronically because of (check one):

- _____ (1) personal illness or disability
- _____ (2) employment purposes or business of the public body
- _____ (3) a family or other emergency

During the meeting, I will be at the following location:

_____ and reachable at the following phone number: _____

Signature of Member

Date

OR

Request received by _____ phone _____ e-mail _____ fax _____ other

Signature of Clerk

Date

ADDENDUM "B"

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

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

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

DATE: _____ SIGNED: _____

Please keep in mind that pursuant to Section 1-2-30(D)(4) that establishes rules governing the address of the City Council, all remarks must be kept to a maximum of five minutes, shall be addressed to the City Council, and shall not be disruptive to the business of the Council. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Council.

ADDENDUM "C"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY
DURING A DISASTER DECLARATION

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

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

- (1) the Governor of the State of Illinois or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the City is covered by the disaster area;
- (2) the Mayor determines that an in-person meeting or a meeting conducted under this policy is not practical or prudent because of the disaster;
- (3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;
- (4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the City must make alternative arrangements and provide notice pursuant to the policy of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;
- (5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and
- (6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

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

- (1) Notice shall be given pursuant to subsection (a) of Section 2.02 of the Open Meetings Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting;
- (2) The City must comply with the verbatim recording requirements set forth in Section 2.06 of the Open Meetings Act.

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

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

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

EXHIBIT "A"

PENALTIES

<u>Section</u>		<u>Minimum Fine</u>
<u>Dogs</u>		
4-1-3	Restraint of Dogs	1 st \$125.00, 2 nd +\$175.00 (Ord. No. 1610; 03-24-15)
4-1-7	Biting Dog	1 st \$125.00, 2 nd +\$175.00 (Ord. No. 1610; 03-24-15)
4-1-10	Animals as Nuisance (Noise)	1 st \$75.00, 2 nd \$150.00
<u>Solicitors</u>		
7-2-8	No Solicitors Permit	\$100.00
<u>Cemeteries</u>		
11-1-2	Unlawful Entry into Cemetery	\$150.00
<u>Burning</u>		
17-1-4(B)	Noxious Burning	1 st \$50.00, 2 nd \$150.00
<u>Taverns/Alcohol Sales</u>		
21-3-1	Alcohol Sales After Hours-Bars/Convenience	1 st \$250.00, 2 nd \$500.00
21-3-19	Unlawful Sale to Minor	\$500.00
<u>Traffic</u>		
24-2-1	Obedience to Police	\$100.00
24-2-3	Obey Traffic Signs	\$100.00
24-3-2	One-Way Street	\$100.00
24-3-3	Stop Signs	\$100.00
24-4-1	Any IVC Violations (Rules of the Road)	\$100.00
24-4-1(B)(2)	Obstructing Traffic	\$100.00
24-4-2(A)	Careless Driving	\$100.00
24-4-2(F)	Speeding	\$100.00
24-4-2(J)	No U-Turns	\$100.00
24-4-6	Illegal Transportation of Alcohol	\$150.00
24-5-1	Any IVC Equipment Violation	\$75.00
24-5-2	Excessive Noise–Stopped Vehicle (Racing Motor)	\$100.00
24-5-4	Squealing Tires	\$100.00
24-5-5	Muffler Required	\$100.00
24-5-6	Reckless/Negligent Driving	\$100.00
24-5-7	Excessive Noise While Driving (Engine Brake)	\$100.00
24-6-3(C)	Handicap Parking Only	\$250.00
<u>Weeds</u>		
25-2-2	Weeds Over 8 Inches	1 st \$75.00, 2 nd \$150.00

Administration

Vehicles

24-7-2(B) Abandoned Vehicle (Private Property) \$100.00

Criminal

27-2-5 Disturbing the Peace \$100.00
27-2-16 Public Intoxication \$100.00
27-2-22 Throwing Rocks \$100.00
27-2-23 Destruction of Public Property \$100.00
27-2-25 Discarding Refrigerators \$100.00
27-2-27 Curfew (Sun-Thurs 11p-6a/Fri-Sat 12a-6a) \$100.00
27-2-28 Bicycle on S. Main Street \$75.00
27-2-29 Skateboards on Main St. \$75.00
27-2-30(B)(1) Loitering Prohibited – Obstructing Traffic \$100.00
27-2-30(B)(2) Loitering Prohibited – Interfere w/Business or Property \$100.00
27-3-2 Criminal Damage to Property \$100.00
27-4-1 Disorderly Conduct \$100.00
27-4-7 Tobacco Used at Sport Complex \$75.00
27-4-9 Possession or Consumption of Alcoholic Liquor \$150.00
27-4-10 Possession of Drug Paraphernalia \$250.00
27-4-11 Possession of Less Than 2.5 Grams Cannabis \$250.00
27-5-2 Littering Prohibited \$100.00
27-5-7 Littering from a Vehicle \$100.00
27-5-9 Littering in Parks \$250.00
27-6-1 Trespassing \$100.00
27-10-1 Possession of Synthetic Cannabis \$250.00
27-10-2 Possession of Bath Salts \$500.00

Lake Ordinances

31-1-12 No Swimming Except Designated Areas/Time \$100.00
31-1-37 Vehicles Not to Drive Off Roadways in Park \$100.00
31-2-2 No Lake Permit for Boat \$100.00

House Numbers

33-2-10(C) House Must Display Numbers \$75.00

(Ord. No. 1544; 09-27-11)

CHAPTER 3 - ANIMALS

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CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

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

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

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

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

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

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

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

"DANGEROUS DOG" means:

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

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

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

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

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

"FERAL CAT" means a cat that:

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

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

(510 ILCS 5/2.11b)

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

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

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

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

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

"OWNER". For the purpose of this Code, the word "owner" means a person having a right of property in a dog or other animals or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him. **(See 510 ILCS 5/2.16)**

"POTENTIALLY DANGEROUS DOG" means a dog that is unsupervised and found running at large with **three (3)** or more other dogs. **(510 ILCS 5.17c)**

"POUND". "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(See 510 ILCS 5/2.18)**

"REGISTRATION CERTIFICATE". "Registration Certificate" means a printed form prescribed by the Department of Agriculture for the purpose of recording pertinent information as required by the Department under the Animal Control Act. **(See 510 ILCS 5/2.19)**

"RESTRAINT". A dog is under "restraint" within the meaning of this Code if it is controlled by a leash; within an enclosed vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

"SHADE" shall mean protection from the direct rays of the sun during the months of June through September.

"SHELTER", as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least **two inches (2")** from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

"UNOWNED STRAY DOG". "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means

of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(See 510 ILCS 5/2)**

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

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

3-1-3 INJURY TO PROPERTY.

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

(B) **Waste Products Accumulations.** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

3-1-4 MANNER OF KEEPING.

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

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

3-1-5 KEEPING BARKING DOGS AND CRYING CATS.

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

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

3-1-6 CRUELTY TO ANIMALS PROHIBITED.

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

(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with **Section 3-1-2. (See 65 ILCS Sec. 5/11-5-6)**

3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.

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

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

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the City. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The Department of Agriculture shall issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless, then said animal may be kept on a temporary basis.

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

3-1-9 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

(A) **Nuisance.** The keeping of an unlimited number of dogs and cats in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in **Section 3-1-2.**

(B) **Limitation; Exception.**

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

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

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

3-1-10 KEEPING FARM ANIMALS.

(A) **Prohibitions.** The keeping of cattle, cows, horses, ponies, mules or donkeys, sheep, llamas, swine, goats, rabbits, chickens, ducks, geese or other fowl, or other farm animals or livestock within the City is hereby declared to be a nuisance and is prohibited except as provided herein.

(B)

Exceptions.

- (1) This Section shall not apply in areas of the City that are zoned Agricultural nor shall this Section apply to livestock brought into the City for the purpose of processing at any appropriately licensed processing facility.
- (2) The keeping of rabbits, chickens, ducks and other domestic fowl shall be allowed within the City only in compliance with the following conditions:
 - (a) No person shall keep more than **ten (10)** total chickens, ducks or other domestic fowl, except, on any one parcel of real estate larger than **two and one-half (2.5) acres**, the limit shall be **thirty (30)** total; and
 - (b) No person shall keep more than **ten (10)** rabbits, excluding any rabbit less than **ninety (90) days** old; and
 - (c) All such rabbits or fowl shall be kept in an enclosure no part of which is within **seventy-five (75) feet** of any occupied dwelling, except any dwelling occupied by the owner of said rabbits or fowl; and
 - (d) No such animal or fowl shall be permitted to run at large at any time; and
 - (e) The keeping of roosters is prohibited; and
 - (f) All coops, enclosures, pens or areas in which rabbits or fowl are kept must be maintained in a sanitary manner without the accumulation of dirt, offal, waste or urine and kept in such a manner as to prevent any disagreeable odors, infestations of pests or any other unsanitary or unhealthy condition.

(C)

Powers of Police Chief.

The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

(D)

Enforcement.

Any violation of this Section shall be punishable by a fine of **One Hundred Dollar (\$100.00)** per day for each day that the nuisance is not abated payable within **ten (10) days** of the date of the violation, or **One Hundred Twenty-Five Dollars (\$125.00)** if paid after **ten (10) days** but before **thirty (30) days** from the date of the violation.
(Ord. No. 1570; 09-11-12)

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

ARTICLE II - DOGS

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

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

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

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

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

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

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

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

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

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

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

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

(C) Any dog permitted to run at large within the City is hereby declared to be a nuisance.

(D) Any impounded dog which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper.

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

3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

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

3-2-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS. Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **ten (10) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

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

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

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

3-2-14 **CITY POUND DESIGNATED.** The City Council shall designate a City Pound.

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

3-2-16 **DANGEROUS DOG - FEMALE DOG AT LARGE.** It shall be unlawful for the owner or keeper of any vicious or dangerous dog as defined in **Section 3-1-2** or of any female dog, while in heat, to run at large within the limits of this City.

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

3-2-18 **CONFINEMENT IN MOTOR VEHICLE.** No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department Investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible. **(510 ILCS 70/7.1)**

3-2-19 **VICIOUS ANIMALS PROHIBITED.** It shall be unlawful for any person to bring or transfer into the City any dog or animal that has been declared "vicious" by any unit of local government.

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

ARTICLE III - VICIOUS AND DANGEROUS DOGS

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

- (A) **"Vicious dog"** means:
- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
 - (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
 - (3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
 - (4) Any individual dog which attacks a human being or domestic animal without provocation.
 - (5) Any individual dog which has been found to be a "dangerous dog" upon **three (3)** separate occasions.

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

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

- (B) **"Dangerous dog"** means:
- (1) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal, or
 - (2) a dog that, without justification bites a person and does not cause serious injury.

(See 510 ILCS 5/2.052A)

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

(510 ILCS 5/2.11a)

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

- (E) **"Found to Be Vicious Dog"** means:
- (1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in **Section 3-1-2** and, based on that finding, the County Veterinarian, or the Animal Control Warden has declared in writing that the dog is a vicious dog or
 - (2) that the circuit court has found the dog to be a vicious dog as defined in **Section 3-1-2** and has entered an order based on that finding.

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

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

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

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

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

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

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

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

3-3-5 INJUNCTION. The Animal Control Warden, the City Attorney, or any citizen of the City in which a dangerous or vicious dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(See 510 ILCS Sec. 5/17)**

3-3-6 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON. If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(See 510 ILCS Sec. 5/16)**

3-3-7 **RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(See 510 ILCS Sec. 5/17)**

3-3-8 **TETHERING DOG REGULATIONS.** The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

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

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

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

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

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

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

(G) No more than **two (2) dogs** may be tethered on one residential property.

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

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

(J) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof, four sides, and solid floor **three (3) inches** above the ground. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

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

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

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

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

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

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

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

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

(M) No dog shall be tethered longer than **ten (10) continuous hours** or **twelve (12) hours** in any **twenty-four (24) hour** period.

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

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

(See also 510 ILCS Sec. 5/24)

ARTICLE IV

CAT CODE

3-4-1 DEFINITIONS. As used in this Code, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"BOARD OF HEALTH": The term "Board of Health" shall mean the Board of Health of the County.

"CAT": The term "cat" shall apply both male and female cats.

"DEPARTMENT OF HEALTH: The term "department of health" shall mean the Department of Health of the County.

"DIRECTOR": The term "director" shall mean the director of the Department of Health or his or her duly authorized representative.

"HOBBY KENNEL OR CATTERY": The term "hobby kennel or cattery" shall mean any kennel where cats are kept for organized shows, breeding for exhibition, or for the enjoyment of the household.

"INOCULATION, VACCINATION OR VACCINATION FOR RABIES": The terms "inoculation" and "vaccination" or "vaccination for rabies" shall mean the inoculation of a cat with a vaccine approved by the Department of Health for use in the prevention of rabies.

"KEEP OR HARBOR": The terms "keep" or "harbor" shall mean the habitually permitting to remain or to be lodged or to be fed within the house, store, yard, enclosure, or other place.

"KENNEL": The term "kennel" shall be construed to mean the house, store yard, enclosure or place where **two (2)** or more weaned, unspayed or unneutered cats are harbored or kept; provided, however, this definition shall not apply to spayed female cats nor to the animal shelter or to animal hospitals operated by veterinarians duly licensed under the laws of the state keeping cats for others for treatment or boarding.

"OWN": The term "own" unless otherwise indicated in the text, shall be deemed to mean and include own, keep, harbor, or have charge, custody, or control of a cat.

"OWNER": The term "owner" shall mean any person or persons, firm, association, or corporation owning, keeping, or harboring a cat.

"PERSON": The term "person" shall mean and include any individual, firm, corporation, association, or partnership.

"RUNNING AT LARGE": The term "running at large" shall mean off the premises of the owner and not under the control of the owner or a member of his or her immediate family.

"WARDEN": The term "warden" shall mean the person in charge of enforcing this Code and appointed by the Mayor.

3-4-2 VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG. Any person within the City owning a cat **six (6) months** of age or older shall have such cat vaccinated once each year against rabies. Each unvaccinated cat acquired or moved into the municipality must be vaccinated within **thirty (30) days** after purchase or arrival provided that no cat under **six (6) months** of age shall be required to be vaccinated until it reaches the age of **six (6) months**. It shall be the duty

of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the warden and to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.

3-4-3 LICENSE REQUIRED. It shall be unlawful for any person within the City to own a cat over **six (6) months** of age without procuring a license for such cat as provided in this Code.

3-4-4 LICENSE TAG. It shall be unlawful for the owner of any cat to permit or allow such cat to wear any license tag issued for another cat or for another year.

3-4-5 INFORMATION REQUIRED; RECEIPT; TAG. Application for such license shall be made to the director, and the following information, including presentation of a valid rabies certificate showing that the cat has been immunized for rabies shall be furnished:

- (A) Name and address of the owner or harbinger of such cat;
 - (B) Such description of the cat as may be required for the purpose of identification;
- and
- (C) The license number of the tag issued.

The warden shall furnish to the owner, upon payment of the license fees as hereinafter required, a license receipt showing thereon such information and metallic tag bearing the tag number, the license year for which issued and the words "**Cat Tag**" engraved thereon.

3-4-6 CATS RUNNING AT LARGE WHILE IN HEAT. It is hereby declared unlawful for any owner, keeper, or harbinger of any female cat to permit such cat to run at large while in heat, whether or not a valid registration tag is attached.

3-4-7 WEARING OF COLLARS; REMOVAL OF LICENSE TAG. Each licensed cat must wear a collar bearing the license tag and rabies vaccination tag. This is the owner's responsibility. It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, or metallic license tag or rabies vaccination tag from any licensed cat.

3-4-8 PUBLIC NUISANCE. Any cat running at large in violation of the provisions of this Code is declared to be a public nuisance, and shall be impounded by the director as in this ordinance provided, or if the residence of the owner of such cat is determined by the capturing animal control officer before such cat is delivered to the animal shelter, such cat may be delivered to the owner upon said owner's written acceptance of delivery upon a form to be provided by the director. If such cat is so delivered to the owner, an impoundment fee of **Ten Dollars (\$10.00)** shall be paid by the owner to director within **five (5) days** of delivery, and failure to pay said fee shall constitute a separate violation of this section.

The warden shall not release any such cat from being impounded until the owner of the cat shall have obtained a license as provided in this Code.

3-4-9 CATS INJURING OR DESTROYING PROPERTY OF OTHERS. It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or her or under his or her charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section it shall appear to municipal judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

3-4-10 **LICENSE FEE.** The license fee for all cats shall be the sum of **Seven Dollars Fifty Cents (\$7.50)**; provided, however, the license fee for all spayed female cats and neutered male cats shall be the sum of **Two Dollars Fifty Cents (\$2.50)**. Further provided, the license fee for a cat owned by an individual **sixty-five (65) years** of age or older shall be the sum of **Five Dollars (\$5.00)**, however, the license fee charged to such owner shall be **One Dollar Fifty Cents (\$1.50)** if the cat is a spayed female or a neutered male. In addition to such fee, any expired license which is renewed later than January 1 following the expiration date shall not be renewed until the late fee of **Two Dollars (\$2.00)** is paid by the owner.

3-4-11 **HOBBY KENNEL OR CATTERY PERMIT.** It shall be unlawful for any person to have or maintain a hobby kennel or cattery within the municipality without first having obtained a hobby kennel or cattery permit from the warden as herein provided.

Any person having a hobby kennel or cattery shall make application to the warden for the permit. Upon a finding by the warden that the premises are in compliance with the law and upon payment of the permit fee, said permit will be issued.

(A) Permits are not transferable from one person to another person or place.

(B) A permit holder shall notify the warden of any change in his or her operations which may affect the status of his or her permit and shall keep the warden apprised of any change in name or location of his or her kennel.

(C) The hobby kennel or cattery permit shall expire December 31 of the calendar year for which it is issued. All permits shall be due January 1 of each year and shall expire on December 31 following year.

(D) The permit fee shall be as follows:

(1) For each kennel with 2 to 10 cats, \$35.00

(2) For each kennel with 11 to 18 cats, \$50.00.

(3) For each kennel with 19 cats or more, \$5.00 per cat.

(E) The above permit fee shall be in lieu of the license fee for individual cats as provided for hereinbefore in this Code.

Any decision of the warden under the provisions of this section may be appealed to the corporate authorities, which shall hear and render a decision in this matter.

3-4-12 **MINIMUM STANDARDS OF SANITATION.**

(A) Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.

(B) Animals maintained in pens, cages, or runs for periods exceeding **twenty-four (24) hours** shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Cages are to be of material and construction that permit cleaning and sanitizing.

(C) **Indoor Housing.** These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals comfort and health.

(D) Outside housing or enclosures shall allow adequate protection against weather extremes. Floors of buildings, runs, and wall shall be of an impervious material to permit proper cleaning and disinfection. Outside runs must be within a yard with an additional or separate fence around it, and screened from view by either plantings or the additional fence.

(E) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

(F) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(G) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(H) All animals shall have fresh water available at all times. Water vessels shall have weighted bottoms or be mounted or secured in a manner that prevents tipping and be of the removable type

(I) Each cat shall be observed daily by the cat caretaker in charge or his or her representative. Sick, diseased, injured, lame, or blind animals shall be provided with proper veterinary care.

3-4-13 **DISPOSITION OF FEES.** The warden shall deposit all monies received by him or her under this Code with the municipal treasurer, who shall credit the deposits to the animal control fund.

3-4-14 **TERM OF LICENSE.** All licenses issued under this Code shall expire on the 31st day of December of the calendar year for which issued. All licenses hereunder shall be due January 1 of each year and shall expire in December 31 following.

3-4-15 **ENFORCEMENT.** The enforcement of the provisions of this Code shall be under the direction of the animal control warden. For the purpose of enforcing this Code the warden or any animal control warden or police officer may obtain a search warrant or other appropriate court order to permit entering private premises.

3-4-16 **POISONING OR INJURING CATS.** It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect, or in any manner to mistreat, injure, maim, or destroy except as elsewhere in the ordinance specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy a cat of another, or to place any poison, poisoned food or poisoned bait where the same is accessible to any cat. This section shall not be interpreted to prohibit an act of a licensed veterinarian in causing a cat's death in a humane manner with the approval of the owner of the cat.

3-4-17 **DUTY TO PLACE CAT UNDER OBSERVATION; WHEN REQUIRED; PROCEDURE.** When any person owning a cat has been notified by any person injured or by someone in his or her behalf, or by someone with knowledge of said injury, that the person has been bitten or attacked by said cat, or when any person owning a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner shall immediately place the cat under the care and observation of the director or of a licensed veterinarian within the municipality with the expense thereof to be borne by the owner of such cat; and failure of the owner to submit said cat or other animal within **twenty-four (24) hours** after notice of said bite or attack to the director or a veterinarian within the City constitutes a violation of this ordinance. The warden or licensed veterinarian shall impound said cat for care and observation for a period of **ten (10) days** in compliance with standards adopted by the corporate authorities. It shall be lawful for the warden or an agent of the warden, to destroy in a humane manner any cat that has been determined by the director to have rabies, or that has been impounded for observation after the period of observation has expired unless the owner shall, within **five (5) days** after notice has been given, redeem such cat by paying such expense incident to such impounding, observation, or treatment. It shall be illegal for any person to release any cat held for observation to any person prior to expiration of the period of observation. Before any such cat shall be released the person to whom it is released shall submit proof in the form of a certificate issued by a license veterinarian or other person authorized by law to administer rabies inoculation that such cat does not have rabies and has been properly inoculated for rabies. Such impounded cat may be released temporarily directly by a license veterinarian.

3-4-18 **HOLDING IMPOUNDED CATS.** Any cat impounded because of not being properly licensed shall be held by the warden for not less than **seventy-two (72) hours**, unless sooner redeemed or released as hereinafter provided. The warden shall notify the owner of any cat impounded if such owner's identity and address can be ascertained upon reasonable investigation. Such notice shall be given within **twenty-four (24) hours** after such cat is impounded under any of the provisions of this ordinance. The notice shall inform the owner that the cat has been impounded, the purpose or reason for such impounding, and the requirements to permit release of the cat.

(A) Any cat remaining in the shelter unclaimed or not redeemed at the expiration of the time limit of **seventy-two (72) hours** may be destroyed in a humane manner unless in the judgment of the warden a suitable home may be found for such cat.

(B) In the event the warden shall find a suitable home for such cat within the municipality, the person taking such cat shall first procure from said warden a license and metallic tag for that particular cat as provided for hereinbefore in this Code. The warden is not required to charge for the sale of the cat, except for a charge for license fee and, if such cat is **six (6) months** of age or older and has not had a vaccination for rabies as required by this Code, the person receiving the cat must have the cat vaccinated for rabies at that person's expense.

(C) The humane society or like institution with whom the warden has contracted to enforce the provisions of this Code, may sell and transfer to a new owner any cat impounded in the animal shelter after the expiration of the time limit as set by this section, if such new owner procures a license and metallic tag for that particular cat under the provisions of this chapter. The proceeds of sale of any such cat shall be applied to any impoundment fees owing on the cat by the City, and any excess proceeds may be retained by the humane society. This paragraph shall not be interpreted to prohibit the humane society from giving away any cat.

(D) Any impounded cat placed with a new owner shall be neutered or spayed within **fifteen (15) days** after release from impoundment, except for cats under **six (6) months** of age. Payment for neutering must be made at the time of release and will be forwarded to a licensed veterinarian who will present a statement signed by the veterinarian and the owner stating that the surgery has been performed.

(E) The owner of any cat which is impounded and destroyed under this Code shall be held responsible for payment of the impoundment fee set out in this Code, plus the expense incident to the impoundment for observation required by this Code, and shall pay such fee or expense to the warden within **fifteen (15) days** after destruction of such cat.

3-4-19 **SHELTER FEE; RELEASE FROM SHELTER.** Any cat held or impounded in the animal shelter because of the violation of any of the provisions of this Code by its owner, shall be released to the owner thereof by the warden upon proof of ownership of such cat and upon presentation of the license and valid rabies certificate for the current year showing that such cat has been properly licensed and inoculated for rabies, and further upon the payment of a shelter fee of **Ten Dollars (\$10.00)**. All cats which shall have remained in the shelter **seventy-two (72) hours** without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided.

3-4-20 **WARDEN'S DUTIES.** It shall be the duty of the warden or his assistants to do the following acts:

(A) Establish and maintain, or supervise under contract, an animal shelter at some convenient location, which shall be kept sanitary, properly heated, ventilated, and lighted;

(B) Properly house, feed, water, and care for all cats confined in the animal shelter;

(C) Enforce the licensing of all cats in the municipality as hereinbefore provided;

(D) Issue citations in the municipal court against any person failing to license any cat as hereinbefore provided;

(E) Capture and secure all cats running at large contrary to the provisions of this Code and remove such cats in a humane manner to the animal shelter.

Whenever there is any violation of any provision of this Code, the warden or any of his assistants finding such violation shall, except as otherwise provided, take the name and address of such person violating such provision and the description of the cat owned by him or her and issue a summons or citation or otherwise notify him or her in writing to appear in court at a time and place to be specified in such summons or notice. Such hearing shall be at least **five (5) days** after the notice, unless such person shall demand an earlier hearing. It shall be unlawful for any person to disregard a summons issued as provided herein or to fail to appear in court as provided by such summons or citation. A warning ticket may be issued in lieu of such summons or citation.

3-4-21 **WARDEN'S RECORDS AND REPORTS.** The warden shall keep accurate account of all cats received by him or her at the shelter and released by him or her to the owner or purchaser, showing the date and from whom received, the description of the cat, the name and address of the person or persons releasing or purchasing. He shall keep a like accurate account and description of all cats destroyed by him. On the last day of each month, the shelter manager shall forward to the director an accurate and complete account of all monies received by him or her during the month under the provisions of this Code, together with a statement of the number of cats in the shelter at the first of the month, the number received, the number destroyed, the number released or sold, and the number on hand at the end of the month.

3-4-22 **IMPOUNDING TIME LIMIT.** It shall be unlawful for the warden to destroy or cause or permit to be destroyed any cat impounded until the expiration of impounding time limit of **seventy-two (72) hours**, except that the warden may, when in his or her judgment a cat so impounded is suffering from any injury or disease and recovery is doubtful, destroy such cat in a humane manner.

3-4-23 **RECEIVING CATS AT SHELTER; REGISTRATION.** The warden shall not receive a cat into the shelter from any person unless such person shall give his or her full name and place of residence which shall be registered in a proper book kept by the shelter manager. It shall be unlawful for any person delivering to or receiving any cat from said shelter, to give any false information concerning the same.

3-4-24 **INTERFERENCE WITH CAPTURE OF CATS.** It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the warden while engaged in capturing, securing, or taking to the animal shelter any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon, or other vehicle used for the collecting or conveying of cats to the shelter.

CHAPTER 5 – BOARDS AND COMMISSIONS

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CHAPTER 5

BOARDS AND COMMISSIONS

ARTICLE I – PLAN COMMISSION

5-1-1 CREATION. In order that adequate provisions be made for the preparation of a comprehensive City plan for the guidance, direction and control of the growth and development of the City a Plan Commission, which shall be a department of the City government, is hereby created under authority of the **Illinois Municipal Code, 65 ILCS 5/11-12-4 through 5/11-12-12.**

5-1-2 MEMBERSHIP. The Plan Commission shall consist of **nine (9) members**; said members to be residents within the jurisdictional limits of the City, appointed by the Mayor on the bases of their particular fitness for their duty on the Plan Commission and subject to the approval of the City Council.

5-1-3 TERM OF OFFICE. The members shall serve for a period of **three (3) years**. Thereafter, such appointed citizen members shall serve for a period of **three (3) years**. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except that, if the Council deems it advisable, the Secretary may receive such compensation as may be fixed from time to time by the Council and provided for in the appropriate ordinance.

5-1-4 PROCEDURE. The Plan Commission shall elect such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the City Code and State law. The Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and City Council, setting forth its transactions and recommendations.

5-1-5 POWERS AND DUTIES OF PLAN COMMISSION. The Plan Commission shall have the following powers and duties:

(A) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which when adopted shall be the official comprehensive plan, or part thereof, of the City. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances enacted by the Council. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the City Clerk shall be complied with as provided for by law.

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

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

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

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

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

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

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

(H) To exercise such other powers germane to the powers granted under authority of the **Illinois Municipal Code.**

(#667; 06-11-62)

5-1-6 LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.

At any time or times, before or after the formal adoption of the official comprehensive plan by the Council, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan or **one (1)** or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the City. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances including the official map with the City Clerk shall be complied with as provided for by law.

No map or plat of any subdivision or resubdivision presented for record, affecting land within the corporate limits of the City, or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits, and not included in any municipality, shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment, in conformity with the applicable requirements of the ordinances including the official map. **(#667; 06-11-62)**

5-1-7 IMPROVEMENTS. The City Clerk shall furnish the Plan Commission for its consideration a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable for the consideration of the Council. **(#651)**

5-1-8 EXPENDITURES. The Commission may at the discretion of the Council employ necessary help whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the Council from the public funds. If the Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Council and appropriations by the Council therefor. **(#651; 06-26-61)**

ARTICLE II - NATURAL RESOURCES COMMITTEE

5-2-1 **TITLE.** This Chapter shall be known as the Hillsboro Natural Resources Committee Code.

5-2-2 **PURPOSE.** It is the purpose of this Article to promote the public health, safety and general welfare by providing for a committee to assist in the planning, promotion, organization and guidance of projects to enhance and develop the natural resources of the City of Hillsboro, including lake property.

5-2-3 **CREATION OF COMMITTEE.** There is hereby created and established the Hillsboro Natural Resources Committee which shall consist of **six (6) members**, residents of this City or who live within **one and one-half (1 ½) miles** of the corporate limits who shall be appointed by the Mayor with the approval of the Council. **(Ord. No. 1425; 02-14-06)**

5-2-4 **TERM OF OFFICE.** The term of the **six (6) persons** to be appointed by the Mayor shall be **three (3) years**, except that the term of **two (2)** of the members appointed to the first committee shall be for **one (1) year**, the term of **two (2)** of the members shall be for **two (2) years**, and the term of the remaining **two (2) members** shall be for **three (3) years**. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

5-2-5 **COMPENSATION.** Members of the Committee shall serve without compensation.

5-2-6 **DUTIES AND RESPONSIBILITIES.** In carrying out the purposes of this Chapter, the Committee shall promote:

- (1) the planting and maintenance of trees and the removal of diseased or unsafe trees,
- (2) erosion control and bare land restoration affecting the City lakes and other property,
- (3) forest management,
- (4) the establishment and maintenance of clean water supplies,
- (5) the enhancement of wildlife around the lake areas and
- (6) such other duties and responsibilities as the City may designate. **(See Chapter 33; Article IX)**

5-2-7 **OPERATION.** The Committee shall choose its own officers, make its own rules and regulations, not inconsistent with this Article, and keep a journal of its proceedings. Three members shall constitute a quorum for the transaction of business.

(This Article Ord. No. 1095; 11-14-89)

CHAPTER 6 – BUILDING REGULATIONS

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CHAPTER 6

BUILDING REGULATIONS

ARTICLE I – DANGEROUS BUILDINGS

6-1-1 **DEFINITIONS.** The term "**Dangerous Building**" as used in this Article is hereby to mean and include:

(A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of its or neighboring structures;

(B) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

(C) Any building, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the City is hereby declared to be a nuisance.

6-1-2 **PROHIBITION.** It shall be unlawful to maintain or permit the existence of any dangerous building in the City and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

6-1-3 **ABATEMENT.** Whenever the Mayor or his designated representative, or any other authorized officer of the City shall be of the opinion that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. Such notices shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice shall be served upon the proper parties not less than **fifteen (15) days** before the City shall file application with the County Circuit Court for an order authorizing the demolition or repair of said building. Such notice may be in the following terms:

" TO: _____: (OWNER/OCCUPANT of premises) of the premises known and described as _____.

'You are hereby notified that _____ (describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____.

'The causes for this decision are _____.

(here insert the facts as to the dangerous condition)

'You must remedy this condition or demolish the building immediately **within fifteen (15) days** from the date of this notice or the City will proceed to do so."

In the event that the building is not demolished or repaired or altered **within the fifteen (15) day** period of time elapsing from the date of the service of notice, then the City shall institute application before the County Circuit Court requesting an order authorizing the demolition, alteration, or repair of said building premises and the cost of such entailments shall be recovered from the owner or owners of such real estate and shall be a lien thereon.

6-1-4 **LIEN.** Charges for demolishing, repairing or altering of such building shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid **within thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the costs and expenses incurred or payable for the service.
- (C) The date or dates when said costs and expenses were incurred or payable for the service by the City and shall be filed **within sixty (60) days** after the cost and expense is incurred.

6-1-5 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

6-1-6 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days.**

ARTICLE II - BUILDING AS NUISANCE

6-2-1 BUILDING CONDITION - NUISANCE. The Mayor or his designated representative shall report to the City Council when any building in the City is in a dangerous condition and constitutes a nuisance.

6-2-2 TIME LIMIT. The owner of such building shall repair or alter it so as to make it safe **within ninety (90) days** from the time the notice is served upon him in the manner provided by law.

6-2-3 NOTIFICATION. The Mayor or his designated representative shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows:

"This building has been found to be a dangerous and unsafe building by the Mayor. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

6-2-4 DANGEROUS AND UNSAFE BUILDINGS DEFINED. All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe buildings".

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%) or more** of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

(J) Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the Fire Prevention Code, or any other ordinances of the City.

- (K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.
- (L) Those buildings which are uncompleted or abandoned.

6-2-5 STANDARDS FOR REPAIR, VACATION OR DEMOLITION. The following standards shall be followed in substance by the Mayor or his authorized representative in ordering repair, vacation, or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a "dangerous and unsafe building" is **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the City, or statute of the State of Illinois, it shall be demolished.

(See "Non-conforming Uses" of the Zoning Code)

6-2-6 DANGEROUS AND UNSAFE BUILDINGS - NUISANCES. All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

6-2-7 DUTIES OF THE ATTORNEY. The City Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Mayor or his authorized representative.

6-2-8 LIENS. The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that **within sixty (60) days** after said cost and expense is incurred, the City or person performing the service by authority of the City, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification therefor;
- (B) The amount of money representing the cost and expense incurred or payable for the service; and
- (C) The date or dates when said cost and expense was incurred by the City.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the City or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced **within three (3) years** after the date of filing notice of lien.

ARTICLE III - BUILDING OPERATIONS

6-3-1 **USE OF STREETS.** The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than **eighteen (18) feet**; provided that no portion of the street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file with the City Clerk a bond with corporate sureties to be approved by the City Council, to indemnify the City for any loss or damage which may be incurred by it by reason of such use and occupation.

6-3-2 **NIGHT OPERATIONS.** No construction or alteration operations shall be carried on at nighttime if the same are accompanied by loud noises.

6-3-3 **SIDEWALKS.** No sidewalk shall be obstructed in the course of building, construction or alteration without a special permit from the Mayor or his authorized representative being first obtained.

6-3-4 **SAFEGUARDS.** It shall be the duty of the person doing any construction, altering or wrecking work in the City to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is a danger to pedestrians from falling articles or materials. **(See Chapter 33 - Streets for additional requirements)**

ARTICLE IV – MAINTENANCE OF PROPERTIES

6-4-1 CITATION. This Article shall be known as “Hillsboro Property Maintenance Code” and may be cited as such.

6-4-2 DEFINITIONS. For purposes of this Article, the following words and phrases shall have the meanings set forth below:

- (A) **Article.** Article IV of Chapter 6 of the City Code.
- (B) **City.** Hillsboro, Montgomery County, Illinois.
- (C) **City Code.** The Revised Code of Ordinances of Hillsboro, Illinois.
- (D) **Enclose or Enclosing.** Surrounding part or all of the Premises underlying parcel with a fence or wall or otherwise making part or all of Premises inaccessible to the general public.
- (E) **Garbage.** Any organic waste material, including, but not limited to, unused food and food residue.
- (F) **Open Building.** Any existing Structure or part thereof which is Open to Trespass. Structures under construction and which have a valid building permit are not to be considered “Open Buildings.”
- (G) **Open to Trespass.** Any Structure or part thereof that is in such condition so as to allow entry without the use of keys or special tools by people, animals, or fowl.
- (H) **Owner.** Any person or entity who, alone or jointly or severally with others, has the legal or equitable title to any Premises, including executors, executrixes, administrators, administratrixes, trustees, or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure.
- (I) **Premises.** A lot, plot, or parcel of land, easement, or public way, including any Structures thereon.
- (J) **Responsible Party.** Any person or entity who has care, charge, or control of any Premises or Structure, including Owners, tenants, occupiers, property managers, lessees, agents, a mortgagee under the terms of a mortgage where the mortgagor is no longer taking responsibility for the property and where the mortgage in question contains a provision authorizing the mortgagee to act to secure or repair the Structure or property, a mortgagee in possession of any such Structure or property, a mortgagee that has instituted foreclosure proceedings against the mortgagor, a tax purchaser with an order of possession, or a tax purchaser that has received an order directing issuance of a tax deed.
- (K) **Rubbish.** Inorganic waste material, including, but not limited to, metal and glass.
- (L) **Secure or Securing.** Closing off, locking windows or entrances, or otherwise making the interior of a Structure inaccessible to the general public.
- (M) **Statement of Intent.** A form completed by the Owner of a Vacancy Structure that contains specific information regarding the Structure and the Owner’s or Owners’ plans for rehabilitation, maintenance, demolition, and/or removal.
- (N) **Structure.** Anything that is installed, built, or constructed and is located on or affixed to the land including, but not limited to, any building, dwelling, dwelling unit, improvement, property, or other physical object.
- (O) **Structure Maintenance Standards.** Those standards set forth in **Section 6-4-4** below.
- (P) **Vacant.** Any Structure or part thereof that lacks the habitual presence of human beings who have a legal right to be on the Premises for a period of **sixty (60) consecutive days**, or that has ceased substantially all lawful business or construction activity or occupancy, or that is substantially devoid of contents, or, if a multi-family residential property, that contains **six (6)** or more units with **eighty percent (80%)** of the units being unoccupied. This term, however, shall not include single family homes or owner-occupied two-family properties that have been used as a residence by the owner for a period of at least **five (5) months** within the previous **twelve (12) months** and the owner

intends to resume residing at the property. Also excluded are properties that are under active, ongoing rehabilitation or reconstruction and have an unexpired building permit from the City.

(Q) **Vacant Structure.** Any Structure that is Vacant, as those terms are defined herein.

(R) **Vacant Structure Registration Certificate.** Document issued by the Code Official to an Owner or Responsible Party upon receipt of (1) a complete and satisfactory application for a Vacant Structure Registration Certificate and (2) the fee required for the same.

6-4-3 ENFORCEMENT AUTHORITY. The Code Enforcement Officer is authorized to administer and enforce the provisions of this Article, including, but not limited to, maintaining lists setting forth the status of Vacant Structures. The Code Enforcement Officer is further authorized to enlist the assistance of such inspectors, engineers, electricians, plumbers, and other professionals as may be authorized by the Commissioner of Public Health and Safety, as well as the Fire Chief and other officers, employees, and agents of the City.

6-4-4 STRUCTURE MAINTENANCE STANDARDS. All Structures within the City shall be subject to the following maintenance standards, in addition to any other applicable federal, state, or local ordinances, regulations, or codes:

(A) **Structure Openings.** Doors, windows, areaways and other openings shall be weather tight, Secure, and prevent entry by birds, vermin, and trespassers. Missing or broken doors, windows, and other such openings shall be covered by glass or other rigid transparent materials, which are weather protected, and tightly fitted and secured to the opening.

(B) **Roofs.** The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the Structure.

(C) **Drainage.** The Structure storm drainage system shall be functional and installed in a manner consistent with City ordinances and allow discharge in a manner consistent with City ordinances.

(D) **Structure.** The Structure shall be in good repair, not in violation of City ordinances, structurally sound and free from waste, Garbage, Rubbish, and debris. The Structure shall be sanitary. The Structure shall not pose a threat to the public health and safety.

(E) **Structural Members.** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

(F) **Foundation Walls.** The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety. The walls shall be capable of supporting the load of normal use and shall be free from open cracks and breaks, free from leaks, and be rodent proof.

(G) **Exterior Walls.** The exterior walls shall be free of holes, breaks and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(H) **Decorative Features.** The cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(I) **Overhanging Extensions.** All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features shall be in good repair, anchored, safe, and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(J) **Chimneys and Towers.** Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be

protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(K) **Walkways.** Walkways shall be safe for pedestrian travel.

(L) **Accessory and Appurtenant Structures.** Accessory and appurtenant Structures such as garages, sheds and fences shall be free from safety, health, and fire hazards and shall comply with City ordinances.

(M) **Premises.** The Premises upon which the Structure is located shall be clean, safe, and sanitary. It shall be free from waste, Garbage, Rubbish, debris, or excessive vegetation in compliance with City ordinances and shall not pose a threat to the public health or safety.

6-4-5 VACANT STRUCTURE REQUIREMENTS. All Vacant Structures within the City shall be subject to the following requirements, effective throughout the time a Structure or any portion thereof remains Vacant:

(A) The Premises shall be insured by a Responsible Party. Liability insurance with the following coverage is required:

- (1) \$300,000.00 minimum coverage is required for residential Structures.
- (2) \$1,000,000.00 minimum coverage is required for commercial Structures.

(B) Within **thirty (30) days** of a Structure becoming Vacant, a Responsible Party shall apply for a Vacant Structure Registration Certificate. If the Structure is still Vacant at the time of expiration of the original Vacant Structure Registration Certificate, the Owner shall immediately apply to renew the certificate. At the City's sole discretion, renewal may be granted upon demonstrated need for a maximum of **three (3) 3-month** periods, for an aggregate maximum of **twelve (12) months** total registration, which shall be measured from the date that the initial Vacant Structure Registration Certificate is issued. Changes in ownership shall not extend or otherwise affect the maximum total months of registration allowed for a Vacant Structure. Renewed Vacant Structure Registration Certificates shall be subject to all requirements, conditions, and obligations imposed by this Article on the initial Vacant Structure Registration Certificate, including the payment of a fee at each renewal. Renewed certificates shall be effective as of the date that the previous certificate expired. It shall be the responsibility of the Owner to file an amended registration within **ten (10) business days** of any changes to the conditions contained in the initial or renewal application, including occupancy or transfer. During the period of any Vacant Structure Registration Certificate, the Owner shall, upon reasonable notice, provide the City access to the Structure to conduct inspections of the interior and exterior of same to determine compliance with the City Code.

(C) Within **ten (10) days** of receipt of the Vacant Structure Registration Certificate, a Responsible Party shall apply for all permits required that are necessary to bring the Structure into compliance with all applicable ordinances, laws, or regulations.

(D) Within **ten (10) days** of receipt of the Vacant Structure Registration Certificate, and as necessary to bring the Structure into compliance with all applicable Ordinances, laws, or regulations, a Responsible Party shall complete the removal of all:

- (1) combustible materials from the Structure and the Premises; and
- (2) waste, Garbage, Rubbish, or debris from the interior of the Structure; and
- (3) waste, Garbage, Rubbish, debris, or excess vegetation (see **Chapter 25** and **Chapter 29**, as applicable) from the exterior of the Structure or on the Premises.

(E) A Responsible Party shall immediately Secure the Structure to prohibit entry by unauthorized persons or animals in accordance with this Article. The Responsible Party shall, as needed, additionally Secure the Structure in the event of increased danger to human life or the public welfare, as determined by the City. Where Securing the Structure is insufficient to abate any nuisance or protect the health, safety, and welfare of the City and its residents, the Code Enforcement Officer may order any Owner to immediately Enclose the Premises of a Structure that is Vacant and specify the manner of Enclosing the Structure.

6-4-6 **VACANT STRUCTURE REGISTRATION CERTIFICATE.** All Vacant Structures within the City shall be registered with the Code Enforcement Officer.

(A) Application for a Vacant Structure Registration Certificate shall be made on a form approved by the Code Enforcement Officer and provided by the City Clerk or Code Enforcement Officer. The application shall include a "Statement of Intent" which will set forth information as to:

- (1) the expected period of vacancy (including the date of initial vacancy);
- (2) the plan (including timeline) to achieve and maintain compliance with the requirements of this Article;
- (3) a plan and timeline for the lawful occupancy, rehabilitation, removal, or demolition of the Structure;
- (4) measures and/or plans (including timelines) to be taken to ensure that the Structure will be kept weather tight and Secure and that it will be safe for entry by police officers, firefighters, and other officers, employees, or agents of the City in times of exigent circumstances or emergencies, as well as at times of reasonable inspection;
- (5) measures (and timeline) to be taken to assure that the Premises remain free from nuisance conditions;
- (6) list of all persons authorized to be present in the Structure (and, as an ongoing obligation, update this list so as soon as reasonably practicable following any changes by the Owner to who may access the Structure); and
- (7) the plan (including timeline and measures taken) for regular maintenance, including but not limited to mowing, landscaping, usual and customary repairs, etc.

(B) No Vacant Structure Registration Certificate shall be effective for more than **three (3) months** from the date of issuance. The Code Enforcement Officer may grant no more than **three (3) renewals** of a Vacant Structure Registration Certificate, each for a subsequent **three (3) month** period. Such renewals shall be granted in the sole discretion of Code Enforcement Officer and only upon a demonstrated need by the Owner.

(C) Failure of an Owner to secure a Vacant Structure Registration Certificate where and when required is a violation of this Article. Each day that a Structure remains Vacant without a Vacant Structure Registration Certificate shall be considered a new and separate violation.

(D) Failure of a Responsible Party to abide by its Statement of Intent shall be a violation of this Article.

6-4-7 **VACANT STRUCTURE REGISTRATION CERTIFICATE FEES.** The Vacant Structure Registration Certificate application fee shall be **One Hundred Twenty-Five Dollars (\$125.00)** for the initial application. The fee for the first certificate renewal shall be **Two Hundred Fifty Dollars (\$250.00)**, and the fee for the second and each subsequent certificate renewal shall be **Five Hundred Dollars (\$500.00)**. If a renewal is requested after a certificate has expired, an additional fee of **One Hundred Twenty-Five Dollars (\$125.00)** shall apply. The appropriate fee shall be paid at the time of application or renewal.

6-4-8 **REQUEST FOR WAIVER.** Any Responsible Party may petition the City for a waiver of the registration or re-registration fee, a reduction of the minimum amount of liability insurance, and/or a waiver of some or all of the Structure Maintenance Standards. Application for a waiver of the Structure Maintenance Standards shall be in writing on forms provided by the City. The decision of the Code Enforcement Officer shall be made in writing within **fourteen (14) days** of receiving the petition and shall forthwith be mailed or delivered to the petitioner. In making such decision, the Code Enforcement Officer shall consider all relevant factors, including, but not limited to: (1) whether the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Article; (2) whether the plight of the Responsible Party is due to unique circumstances;

and (3) whether the waiver, if granted, will alter the essential character of the locality. An appeal of the decision may be made to the City Council, in writing, within **fourteen (14) days** of the mailing or delivery of the decision. Responsible Parties who are granted a waiver under this Section are still obligated to comply with this Article other than the portions so waived.

6-4-9 ENFORCEMENT AND PENALTIES.

(A) Any Responsible Party found to be in violation of any provision of this Article shall be subject to a fine not to exceed **Seven Hundred Fifty Dollars (\$750.00)**. Each day that said violation continues shall be considered a new and separate violation. Prosecution under this Article is a remedy cumulative to any and all other remedies at law and equity, including, but not limited to, the City's remedies under the Illinois Municipal Code.

(B) Unless otherwise granted a waiver as provided herein, at the expiration of **twelve (12) months** from the original issuance of the Vacant Structure Registration Certificate, the Structure must be reoccupied, removed, or demolished. Any Structure that is vacant beyond the **twelve (12) month** maximum registration period shall be considered abandoned and a public nuisance, and the City may pursue whatever legal action is afforded to it by law for the removal and/or abatement of public nuisance.

(C) Every Responsible Party with respect to any Structure shall be jointly and severally liable with every other Responsible Party for the obligations set forth in this Article.

(D) The provisions of this Article and the requirements, obligations, penalties, and remedies contained herein, are in addition to requirements, obligations, penalties, and remedies found elsewhere in this Revised Code of Ordinances of Hillsboro, Illinois and Illinois law generally.

(Ord. No. 1746; 12-06-2)

LETTER OF NOTICE

TO: _____

You are hereby notified by the undersigned, City of Hillsboro, Illinois, as owner(s) of the property lawfully described as:

at: _____
(address)

that the above described property has upon it a building which is _____ dangerous and unsafe; _____ uncompleted and/or abandoned.

Unless such building is put into safe condition or demolished within **thirty (30) days** of the receipt of this notice, the said City shall apply to the Circuit Court of Montgomery County, State of Illinois, for an order authorizing such action to be taken by the City of Hillsboro with respect to the above described building. Any costs incurred by the City to restore the building to a safe condition or to demolish the building shall be recovered from the said owner(s) of the above described property pursuant to **Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.**

Dated at _____, this _____ day of _____,
20__.

_____(SEAL)

STATE OF ILLINOIS)
CITY OF HILLSBORO) **SS.**
COUNTY OF MONTGOMERY)

_____, being first duly sworn, on oath say____, that the foregoing Statement of Claim for Lien, by _____ subscribed, is true; that the labor and services therein mentioned were furnished to the said _____ at the times and prices therein stated; that there is now due to this affiant the amount of money therein stated; and that the above and foregoing is a just and true statement of the labor and services furnished and performed as therein set forth.

Subscribed and sworn to before me on _____, 20__.

Notary Public

**CITY OF HILLSBORO
STATEMENT OF CLAIM FOR A LIEN**

The undersigned, _____

in the **County of Montgomery in the State of Illinois**, does hereby make the following statement **(under Chapter 65, Paragraph 5/11-31-1 of the Municipal Code, Illinois Compiled Statutes)** for a lien for labor and services furnished and performed and aver that the following described real estate, to-wit:

In **Section _____, Township _____, Range _____, County of Montgomery in the State of Illinois**, now is and at the date of the labor and services hereinafter described, was owned by _____

That on the _____ day of _____, 20____, said _____
_ provided the following labor and services:

That there is now justly due and owing to the Claimant from said _____
_____ for
furnishing of said labor and service as aforesaid, the sum of \$ _____ according to the
statutes in such cases made and provided.

AFFIANT

AFFIANT

CHAPTER 7 – BUSINESS CODE

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CHAPTER 7

BUSINESS CODE

ARTICLE I – ADMINISTRATION

7-1-1 APPLICATIONS.

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

- (B) Each application shall contain:
- (1) the name of the applicant;
 - (2) the permit or license desired;
 - (3) the location to be used, if any;
 - (4) the time covered; and
 - (5) the fee to be paid.

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

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

7-1-3 TERM AND FORM OF LICENSE. No license shall be granted for longer than a **one (1) year term**, and all licenses, unless otherwise provided by ordinance, shall expire on the **last day of the next April following their issue**. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

7-1-4 INVESTIGATIONS.

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

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

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

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

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

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

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

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

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

The Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

7-1-7 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code and/or other applicable regulations of this Municipality.

7-1-8 CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with.

7-1-9 LOCATION. No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be

evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-10 NUISANCES PROHIBITED.

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

7-1-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.

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

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

7-1-10.3 REFUSE DISPOSAL.

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

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

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

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

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

7-1-11 WORKING CONDITIONS.

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

7-1-11.2 SANITATION. All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such

premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

7-1-11.3 HEAT REQUIRED.

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

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

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

7-1-12 INSPECTIONS.

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

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

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

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

7-1-13.1 NUISANCE. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of

business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

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

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

- (A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (D) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;
- (E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-12**.

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

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

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

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

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

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

ARTICLE II - SOLICITORS

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

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

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

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

- (A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;
- (B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;
- (C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;
- (D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

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

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

- (A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
- (B) Address of place of residence during the past **three (3) years** if other than present address.
- (C) Age of applicant and marital status; and if married, the name of spouse.
- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past **three (3) years** if other than the present employer.
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H) Period of time for which the Certificate is applied.
- (I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?
- (L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

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

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

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

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

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

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

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

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

The Certificate of Registration shall state the expiration date thereof.

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

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

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

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

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

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

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

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

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

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

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

7-2-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** of any weekday or Saturday, or at any time on a Sunday or on a State or National holiday. **(Ord. No. 1527; 04-26-11)**

7-2-10 SOLICITATIONS ON PUBLIC HIGHWAYS. Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by **"An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963, as amended.**

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund-raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least **sixteen (16) years of age** and shall wear a high visibility vest.

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

(A) **Daily License:** **\$25.00 per person per day.**

(B) **Annual License:** **\$100.00 per person per year.**

(65 ILCS 5/11-5-2)

ARTICLE III - PEDDLERS

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

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

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

- (A) Name and physical description of applicant.
- (B) Permanent home and address and local address if operating from such an address.
- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant's criminal record other than a traffic record.
- (H) The last three **(3) municipalities** where the applicant carried on business immediately preceding the date of application to this Municipality and the address from which such business was conducted in those municipalities.

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

7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **10:00 A.M. or after 5:00 P.M.** of any weekday or Saturday, or at any time on a Sunday or on a State or National holiday. **(Ord. No. 1527; 04-26-11)**

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

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

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

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

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

7-3-11 **EXCLUSIONARY PROVISION.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed. The City of Hillsboro may set aside and designate public areas for the express purpose of maintaining an area for use in accordance with this Article. **(Ord. No. 1527; 04-26-11)**

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

- | | | |
|-----|-------------------------------|-------------------------------------|
| (A) | <u>Daily License:</u> | \$25.00 per person per day |
| (B) | <u>Annual License:</u> | \$100.00 per person per year |

ARTICLE IV - JUNK DEALERS

7-4-1 DEFINITIONS.

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

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

"JUNK YARD" as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in any by this Section defined as "junk".

(Also see Chapter 24, Article IV and Chapter 25)

7-4-2 PHYSICAL REQUIREMENTS. The minimum physical requirements at all times for each junk yard shall be as follows:

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

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

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

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

(See Ch. 40; Zoning Code)

7-4-3 LICENSE REQUIRED. It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

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

If the applicant is a firm of partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

7-4-5 **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A) Not a person of good character.
- (B) Falsification of an application for a license hereunder.
- (C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-4-2** hereof.

7-4-6 **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

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

7-4-7 **LICENSE FEE.** The annual license fee for each junk yard shall be **Five Hundred Dollars (\$500.00)** payable in advance with the filing of the application for license, and shall not be subject to pro rata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place, of business is not located in the City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be **Two Hundred Dollars (\$200.00)** for each junk dealer. The fee is payable as provided in this Code.

7-4-8 **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

ARTICLE V - TAXICABS

7-5-1 **DEFINITIONS.** The term "**motor vehicle**" as used in this Chapter shall mean every vehicle which is propelled otherwise than by muscular power. The term "**taxicab**" shall mean any vehicle used to carry passengers for hire but not operating on a fixed route.

7-5-2 **LICENSE APPLICATION.** It shall be unlawful for any person to convey or transport passengers for hire from any point within the City to any other point within the City in any motor vehicle without having first obtained a taxicab license therefor from the City Clerk. Applications for such licenses shall be made in writing to the City Clerk and shall state therein the name of the applicant, the intended place of business, the number of taxi cabs sought to be operated, the motor number of each such motor vehicle and the current Illinois State license number of each cab sought to be operated, together with a copy of the insurance policy covering each vehicle for public liability for injury to a person, and for injury to property, together with the name, resident address and chauffeur's license number of each person who will be the driver of such taxicab.

7-5-3 **LICENSE INSPECTION.** Prior to the issuance of a taxicab license the vehicle shall be inspected by the Chief of Police and no license shall issue unless the Chief of Police reports to the City Clerk with respect to the brake equipment, horns and warning devices, mufflers, mirrors, windshield wipers, tires, safety glass, seat safety belts and such other equipment as be required under the provisions of the Illinois Vehicle Code that all of such equipment is in good working condition.

7-5-4 **LICENSE FEE.** The annual fee, payable in advance for a taxicab license shall be the sum of **Ten Dollars (\$10.00)** for each taxicab operated. The annual fee shall be for a year commencing on **July 1** and ending on midnight of the following **June 30**. Such licenses shall not be transferable except to the same owner for a replacement vehicle.

7-5-5 **INSURANCE.** No taxicab license shall be issued to any person without satisfactory proof to show that the public liability insurance on the vehicle for which a license is requested is in full force and effect and that it affords coverage for personal injury liability in an amount of not less than **Three Hundred Thousand Dollars (\$300,000.00)** and likewise affords public liability for property damage in an amount of not less than **Three Hundred Thousand Dollars (\$300,000.00)**.

7-5-6 **TRAFFIC VIOLATIONS.** It shall be the duty of every driver of a taxicab to obey all traffic laws of the State of Illinois and of this Code. Any driver of a taxicab convicted of **three (3)** moving traffic violations of either the Laws of the State of Illinois or of this Code, which violations occur within a **twelve (12) month** period, shall cause a revocation of any license issued.

7-5-7 **UNLAWFUL USE OF TAXICABS.** It shall be unlawful to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor.

7-5-8 **EQUIPMENT INSPECTION.** It shall be the duty of the owner of any taxicab at any time upon request of the Chief of Police to deliver the taxicab to the Chief for inspection. If the equipment on the motor vehicle at any time is not in good working condition, such facts shall be reported by the Chief of Police to the owner and the motor vehicle shall not be used as a taxicab until repairs have been made and the same re-inspected by the Chief of Police and found to be in good working condition.

7-5-9 **PARKING.** Taxicabs using parking spaces shall be subject to the provisions of the ordinances of this City pertaining to parking meters and shall pay fees provided for. (**Ord. No. 707; 04-26-66**)

ARTICLE VI – RAFFLES AND POKER RUNS

7-6-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

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

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

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

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

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

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

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

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

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

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

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

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

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

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

7-6-2 REQUIREMENT OF LICENSE.

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

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

7-6-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

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

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

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

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

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold. Some cities have provided for different classes of raffle licensed based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other cities have different classes of license based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within 12-month period); one time emergency license; limited annual raffle license.

7-6-4 APPLICATION FOR A LICENSE FOR A POKER RUN.

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

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

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other not-for-profit organization;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;
- (5) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (6) The time period during which the poker run will be conducted;
- (7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.
- (10) The purpose for which the poker run is being conducted.

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

7-6-5 LICENSEE QUALIFICATIONS.

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

(B) Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate

without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a poker run license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects.

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

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

7-6-6 **LICENSE ISSUANCE.**

(A) The Mayor shall review all raffle license applications and all poker run license applications. The Mayor shall, within **thirty (30) days** from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Mayor shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

- (1) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
- (2) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
- (3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) A poker run license shall be issued for the following purposes:

- (1) Providing financial assistance to an identified individual or group of individuals suffering extreme hardship as the result of an illness, disability, accident, or disaster; or
- (2) To maintain the financial stability of the organization.

(D) Any license issued under this Article shall be non-transferable.

(E) A license shall be valid for one raffle event or one poker run only, unless the Mayor specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed **one (1) year**.

(F) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(G) **Prominent Display of License.**

- (1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
- (2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(H) **Miscellaneous Provision for Poker Run License.** Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

7-6-7

CONDUCT OF RAFFLES AND POKER RUNS.

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

- (1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- (4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.
- (6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the City.

7-6-8

MANAGER – BOND FOR RAFFLES.

(A) All operations of and conduct of raffles shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his/her honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation.

(C) The Mayor is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

7-6-9 RECORDS.

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

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

(C) Each organization licensed to conduct raffles or poker runs shall report promptly after conclusion of each raffle or poker run to its membership.

(D) Each organization licensed to conduct raffles shall report promptly to the City Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Section.

(E) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(F) The City shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

7-6-10 LIMITED CONSTRUCTION. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

7-6-11 PRIZE LIMITATIONS; TERM.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed **One Million Dollars (\$1,000,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle or single poker run shall not exceed **One Million Dollars (\$1,000,000.00)**;

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

(D) The maximum number of days during which chances may be issued or sold or poker hands issued or sold shall not exceed **one (1) year**;

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

(F) Licenses shall be issued to bona fide religious, charitable, labor, fraternal, educational, or veterans' organizations that operate without profit to their members, and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objectives;

(G) The above-mentioned types of organizations shall be defined pursuant to **230 ILCS 15/.01 et seq.**, being the Raffles and Poker Run Act;

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

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

ARTICLE VII - HORSE-DRAWN VEHICLES

7-7-1 **COMPLIANCE WITH LOCAL LAWS.** The operation of horse-drawn vehicles within and upon the public streets of the City of Hillsboro shall be subject to the conditions, regulations and restrictions set forth in this Code. It shall be unlawful for any person to engage in the business of operating a horse-drawn vehicle in the City of Hillsboro until the provisions of this Article have been complied with.

7-7-2 **PERMIT REQUIRED.** It shall be unlawful for any person, whether acting as owner, principal, agent, employee, lessee or permittee to operate or cause to be operated any horse-drawn vehicle for hire upon the public streets of the City unless that vehicle has been issued a permit by the City Clerk. Such permit shall be issued for a period of **one (1) year**, and shall be in the form attached hereto as Exhibit A.

7-7-3 **INSURANCE REQUIRED.** Before any permit for a horse-drawn vehicle for hire shall be issued, the owner shall file with the City Clerk an insurance policy issued by an insurance company licensed to do business in this State, providing insurance coverage for each and every horse-drawn vehicle owned, operated or leased by the applicant with a minimum of **One Hundred Thousand Dollars (\$100,000.00)** for the injury or death of any **one (1) person** and **Three Hundred Thousand Dollars (\$300,000.00)** for the injury or death of any number of persons in any **one (1) accident**, and **Twenty-Five Thousand Dollars (\$25,000.00)** for property damage resulting from any **one (1) accident**, regardless of whether the horse-drawn vehicle was being driven by the owner, his agent, employee, lessee or permittee.

Such policy shall further provide that insolvency or bankruptcy of the insured shall not release the insurance company from making any payment due under such policy; and if by reason of such insolvency or bankruptcy and execution on a judgment against the insured is returned unsatisfied, the judgment creditor shall have a right of action against the insurance company to recover the amount of such judgment to the same extent that the insured would have had to recover against the company, had the insured paid the judgment. The policy shall further provide that it shall not be canceled until **ten (10) days** notice of such cancellation shall have been given to the City Clerk.

If the owner of any horse-drawn vehicle shall fail to provide within **ten (10) days** after receipt of notice of cancellation another policy of insurance complying with this Section, then the permits issued for such horse-drawn vehicles, shall automatically become void and of no effect.

7-7-4 **LIABILITY AND INDEMNIFICATION.**

(A) A permittee shall pay, and by the acceptance of a permit specifically agrees to pay, any and all damages and penalties which the City may be legally required to pay as a result of the permittee's operation or maintenance of a horse-drawn vehicle under this Article, whether the acts or omissions complained of are authorized, allowed or prohibited by the City.

(B) A permittee shall also pay all expenses incurred by the City in defending itself with regard to any and all damages and penalties mentioned in Subsection (A) above. These expenses shall include all out-of-pocket expenses, including a reasonable attorney's fee and the reasonable value of services rendered by any employee of the City.

7-7-5 **COMPLIANCE WITH TRAFFIC REGULATIONS.**

(A) A permittee, having been issued a permit under this Article to engage in the business of operating a horse-drawn vehicle, shall be subject to all traffic provisions of this Code, and all other traffic ordinances, rules and regulations of the City and State of Illinois.

(B) The City Chief of Policy is hereby empowered to designate the location and extent of space for stands to be known as "horse-drawn vehicle stands". No automobiles or other means

of conveyance except such vehicle for hire as defined in this Article shall be permitted to use such "horse-drawn vehicle stands" within the time as provided by the rules and regulations promulgated by the Chief of Police unless the Chief of Police has so authorized.

(C) The Chief of Police is hereby authorized and directed to formulate and promulgate reasonable rules and regulations for the use of such "horse-drawn vehicle stands" so as to insure equality of opportunity among operators, and to prevent discrimination among "horse-drawn vehicle stands" and to prevent unfair practices among the owners, operators, and drivers of such horse-drawn vehicles for hire.

7-7-6 RATES AND CHARGES TO BE DISPLAYED. Each permittee shall prominently display in each permittee's horse-drawn vehicle, a card or sign which shall show the schedule of the rates and charges for the transportation services furnished by the permittee; the City permit number of such horse-drawn vehicle and the name and address the permittee of each such vehicle. Such card or sign shall be posted in a conspicuous place in such vehicle while it is in use as a horse-drawn vehicle for hire, so that it is clearly visible to all passengers in such vehicle. It shall be unlawful for any permittee, operator, agent, lessee or driver of any horse-drawn vehicle to charge more than the rate so posted.

7-7-7 SANITATION. All permittees shall comply with the following sanitation requirements:

(A) All horses, mules and other animals shall be equipped with adequate devices to prevent manure and other excrement from falling on the streets of the City. Any excrement which should fall upon the streets of the City shall be immediately removed by the driver of such vehicle. If any excrement should fall on the streets of the City and is not immediately removed by the driver, it may be removed by the City and the expense of such removal shall be recovered from the permittee.

(B) A permittee shall further comply with all applicable health and sanitation provisions of the City and State of Illinois.

7-7-8 EQUIPMENT. In addition to the equipment required by the traffic provisions of this Code, and all other traffic ordinances, rules and regulations of the City, and State of Illinois, horse-drawn vehicle shall be required to display a slow-moving vehicle emblem mounted on the rear of the vehicle. In addition, all animals must wear blinders during the time the horse-drawn vehicle is in operation.

7-7-9 FEE. There shall be no fee for the issuance of said permits, however, the City reserves the right to implement a fee structure at any time upon due notice to the holders of said permit(s). **(Ord. No. 1300; 05-23-00)**

7-7-10 NUMBER OF PERMITS. The number of permits allowed under this Article shall not exceed **three (3)** at any **one (1) time**. Said permits shall be issued to a single business entity for the operation of any number of carriages that comply with this Code. **(Ord. No. 1300; 05-23-00)**

(Ord. No. 1230; 05-14-96)

ARTICLE VIII – ADULT USE LICENSING AND REGULATION

7-8-1 **PURPOSE.** The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The City recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

7-8-2 **DEFINITIONS.**

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display "specified anatomical areas"; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "specified sexual activities".

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and

customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Anatomical Areas.** For the purpose of this Article, "specified anatomical areas" means:

- (1) less than completely and opaquely covered:
 - (a) human genitals;
 - (b) pubic region;
 - (c) buttocks;
 - (d) female breasts below a point immediately above the top of the areola; and
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
 - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
 - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-8-3 **LICENSE REQUIRED.**

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City pursuant to this Article.

(B) An application for a license shall be made on a form provided by the City.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the City to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and
- (4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1) the business' fictitious name and
- (2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-8-4 **ISSUANCE OF LICENSE.**

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1) The applicant is under **eighteen (18) years** of age;
- (2) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
- (4) The applicant has been denied a license by the City to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;
- (5) The applicant has been convicted of a specified criminal activity defined in this Article.
- (6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this Article has not been paid.
- (8) The applicant of the proposed establishment is in violation or not in compliance with all of the provisions of this Article.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with City codes within **twenty (20) days** of receipt of the application by the City.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-8-5 **LIQUOR.** No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-8-6 **FEES.** Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Seven Hundred Fifty Dollar (\$750.00)** non-refundable application and investigation fee.

7-8-7 **INSPECTION.**

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-8-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-8-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the City denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-8-9 SUSPENSION. The City may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult use business premises as authorized by this Article, or

(C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-8-10 REVOCAION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-8-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The City may revoke a license if it determines, after a hearing, that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

(3) A licensee or management personnel has knowingly allowed prostitution on the premises;

(4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;

(5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

(6) A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;

(7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or

(8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the City revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the City finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-8-11 **TRANSFER OF LICENSE.** A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-8-12 **BUSINESS RECORDS.** All adult uses shall file a verified report with the City showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-8-13 **LIQUOR LICENSE.** No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-8-14 **ADULT ENTERTAINMENT CABARETS – RESTRICTIONS.** All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-8-15 **VIDEO VIEWING BOOTHS – RESTRICTIONS.** No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-8-16 **HOURS OF OPERATION.** No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-8-17 **INVESTIGATION.** Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

ARTICLE IX – FIREWORKS CODE

7-9-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

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

(A) The term includes:

(1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;

(2) Smoke devices;

(3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;

(4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

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

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

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

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

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

(B) Fireworks not classified as common fireworks.

7-9-2 SALE OF FIREWORKS UNLAWFUL. It is unlawful for any person to sell any fireworks within the City other than those fireworks designated in **Section 7-8-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-9-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL. It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the City; provided that this prohibition shall not apply to duly authorized public displays.

7-9-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS. It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the City without first having obtained a valid permit issued pursuant to the provisions of this Article.

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

Dipped stick, sparklers and smoke devices.

7-9-6 PERMIT FEES. The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the City Council.

7-9-7 ISSUANCE – NONTRANSFERABLE VOIDING.

(A) **Sellers.** Each seller’s permit issued under this Article shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in **Section 7-9-11** of this Article. Each seller’s permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

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

7-9-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-9-12** of this Article.

7-9-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE.

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

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

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

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

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

(E) The permit holder’s location or place of business shall be only in those areas or zones within the City where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-9-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the City a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the

temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the City. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10th) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-9-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the City Clerk shall be controlling.

7-9-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-9-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-9-11 STANDARDS FOR TEMPORARY STANDS. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

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

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

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

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

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

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

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

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

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

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

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

7-9-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

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

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

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

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

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

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

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

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

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

7-9-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the City, provided, however, that such use shall be permitted under the following circumstances:

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

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-9-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-9-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

(1) The sensitivity of the area's environment, wildlife and wildlife habitat;

(2) The inconvenience and nuisance to abutting property owners;

(3) The safety and suitability of the area as a place for the discharge of fireworks; and

(4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

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

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

7-9-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City in accordance with **Sections 7-9-7** and **7-9-8** of this Code.

7-9-15 **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-9-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-9-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-9-18 **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-9-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

ARTICLE X – MOBILE FOOD TRUCKS

7-10-1 **DEFINITION.** A Mobile Food Truck shall be defined as a self-contained food service operation, located in a readily moveable, licensed motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service.

7-10-2 **APPLICATION.** No person or business shall operate a Mobile Food Truck without first having obtained a vendor license from the City. All Mobile Food Truck vendors shall apply for a vendor license for a **twelve (12) month** period commencing **January 1st** of each year to operate within the City. Application for such shall be made to the City Clerk upon the prescribed form provided by the same. The application shall include, or be accompanied by, at a minimum:

- (A) The name of applicant. If applicant is a corporation, limited liability company, or partnership, then the names and addresses of all parties holding more than a **five percent (5%)** ownership or control interest shall also be provided;
- (B) The name, telephone number, and address of the party responsible for the day-to-day management of the business;
- (C) Names, current addresses, and telephone numbers of any persons who will be working in the Mobile Food Truck;
- (D) A copy of the health permit(s) under which applicant will be operating;
- (E) A complete background check, acceptable to the Chief of Police, for any and all persons who will be offering food for sale from the Mobile Food Truck;
- (F) Certificate of Insurance showing insurance as required;
- (G) Recent photographs of the proposed Mobile Food Truck, showing, at a minimum, front and rear, and both sides, with service window closed and open; and
- (H) Copy of current, valid, registration of the vehicle or trailer.

7-10-3 **LICENSE FEE.** The annual fee shall be **Fifty Dollars (\$50.00)** per Mobile Food Truck. Any valid transient merchant license in effect as of the date of passage of this Chapter shall be automatically converted to a Mobile Food Truck vendor license provided all vendor requirement set forth in this Chapter are met at that time.

7-10-4 **CERTIFICATIONS.** A Mobile Food Truck vendor must hold the following certifications at all times of operation within the City and documentation of such shall be provided to the City Clerk upon application for a Mobile Food Truck vendor license, and at any other time upon request by the City. Vendor shall also display the licenses in a space readily visible to the public. Those certifications would be a valid Illinois license to operate a food preparation service and a valid license from the Montgomery Health Department to operate a food preparation service.

- (A) This Article shall take effect and be in full force starting from the election of a new Council and Mayor in the next election as provided by ordinance.
- (B) Vehicle and general liability insurance certificates, each evidencing at least **One Million Dollars (\$1,000,000.00)** coverage and naming the City as an additional insured.
- (C) Must have a valid state license for the truck, trailer, or any other contemporaneous items pulled behind or used in conjunction with the food preparation.

7-10-5 **REGULATIONS.** No person shall operate a Mobile Food Truck except in accordance with the following provisions at all times. Failure to do so may result in fines, citations or the rescinding of any issued license to the Mobile Food Truck vendor.

- (A) Mobile Food Trucks are allowed to operate daily between **6:00 A.M.** and **12:01 A.M.**, except as otherwise provided by this Chapter.

(B) Mobile Food Trucks may operate at one location for a maximum of **twelve (12) consecutive hours**. Exceptions shall be made for Mobile Food Truck vendors who own, or lease and operate, the primary business at the site where the Mobile Food Truck vendor is located. If that primary business holds a currently valid permanent license, issued by the City and Montgomery County, to operate a restaurant at that property. Exceptions regarding the operation of a Mobile Food Truck may also be granted for special events.

(C) Parking of any other vehicles, including vehicles used to tow Mobile Food Trucks, within the Designated Vending Areas during the operation of a Mobile Food Truck is prohibited.

(D) No tent, tables, chairs or displays shall be placed at the Designated Vending Areas. Notwithstanding the foregoing, one portable sign board, no greater than **six (6) square feet** in total area, may be placed on the sidewalk near the Mobile Food Truck. Noise from Mobile Food Trucks, including, but not limited to, generators and music, shall not exceed **seventy-five (75) decibels** as measured **ten (10) feet** from any part of the Mobile Food Truck.

(E) Mobile Food Truck vendors shall collect all trash and debris resulting from the operation of the Mobile Food Truck within **one hundred (100) feet** of the Designated Vending Area.

(F) Mobile Food Truck vendors operating on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such operation.

(G) Mobile Food Truck vendors operating in any other public place shall observe the following rules:

- (1) The Mobile Food Truck shall be parked within **twelve (12) inches** of the curb, if possible, but in no event more than **twenty-four (24) inches** from any section of curb;
- (2) No portion of the Mobile Food Truck, extension thereof, or adjacent service area or seating, shall block, obstruct or interfere with vehicular, bicycle, or pedestrian traffic;
- (3) No portion of the Mobile Food Truck shall be within **fifty (50) feet** of an intersection;
- (4) The operator of the Mobile Food Truck shall be responsible to ensure that no congregation of persons around the Mobile Food Truck creates an obstruction or safety hazard to a passerby, whether vehicular, bicycle, or pedestrian.

(H) Mobile Food Truck shall be attended at all times during all posted or advertised operating hours. Temporary closure for the purpose of restocking supplies or otherwise carrying out tasks necessary for continued operation shall be permitted.

(I) Mobile Food Truck vendors shall be responsible for the proper disposal of all grease, litter and waste generated by their operation.

(J) Mobile Food Truck vendors conducting retail sales shall not utilize extension cords in such a manner as to cross a public right-of-way or sidewalk. Exceptions to this provision may be granted for special events.

(K) Mobile Food Truck vendors shall not conduct any major repairs or disassembly of a vehicle or trailer directly at the site of operation.

(L) Mobile Food Trucks shall not operate any closer than **fifty (50) feet** from any restaurant without first receiving permission from that restaurant, unless the Food Truck is associated with that restaurant.

(M) These licensing regulations shall NOT apply to Mobile Food Truck vendors operating at the annual Old Settlers Festival or any other public festival, as other licensing regulations pertain to vendors at such festivals.

(N) All Mobile Food Truck vendors shall abide by any and all federal, state and local laws, ordinances and regulations applicable to Mobile Food Trucks.

7-10-6 **RENEWALS.** No renewals shall be automatic. Any current licensee seeking a renewal of their license shall file with the City Clerk, no less than **thirty (30) days** prior to the expiration of their current license, an application for renewal, which shall meet all of the requirements hereof, and shall be accompanied by the requisite renewal fee of **Fifty Dollars (\$50.00)**. Failure to timely submit an application for renewal shall result in termination of the license at the end of the current licensing period.

7-10-7 **VIOLATIONS.** Violations of any provision hereof shall be punishable by fine, as outlined in the general fine portions of the City Code, and/or suspension or revocation of the license granted hereunder, in the sole discretion of the City Council.

(Ord. No. 1685; 11-27-18)

EXHIBIT "A"

APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT

PART A – DISPLAY SPONSOR INFORMATION

Display Sponsor's Name	Telephone Number
Address	Cell Phone

PART B – PYROTECHNIC DISTRIBUTOR INFORMATION

Pyrotechnic Distributor's Name	OSFM License	
Address	Telephone Number	
Location Where Fireworks Stored	Storage Dates	
Lead Pyrotechnic Operator's Name	OSFM License	
Assistant's Names	Date of Birth	License No. (if any)
Liability Insurance: (not less than \$1,000,000.00)		
Name and Address of Insurer	Telephone Number	
Policy Number	Coverage Dates	
Type of Coverage		
List Type, Size and Approximate Number of Fireworks to be Displayed: (if you need more space, please attach a separate sheet of paper.)		

PART C – DISPLAY INFORMATION

Display Location	
Property Owner's Name	Telephone Number
Owner's Address (if different than Display Location)	
Date of Display	Time of Display
Alternative Date	Time of Alternative Display
By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property.	
Signature:	

PART D – SITE INSPECTION INFORMATION

Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display site?		
Have provisions been made for on-site fire protection during the display?		
Has a diagram of the display site been attached to this application?		
Identify the largest mortar size (in inches) you intend to use.		
Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.		

**PART E – FIRE DEPARTMENT AUTHORIZATION
(Completed by Fire Department)**

Department Name	Telephone Number	
Department Address		
Based on review of the Display Site, the provided Diagram, And this application:	Yes	No
Have you verified the answers the applicant has given to Part D of this application?		
Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?		
By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site:		
Signature:		
Print Name:	Date	

PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)

In the space provided below, draw and identify the location of the following items:
Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters.
The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:

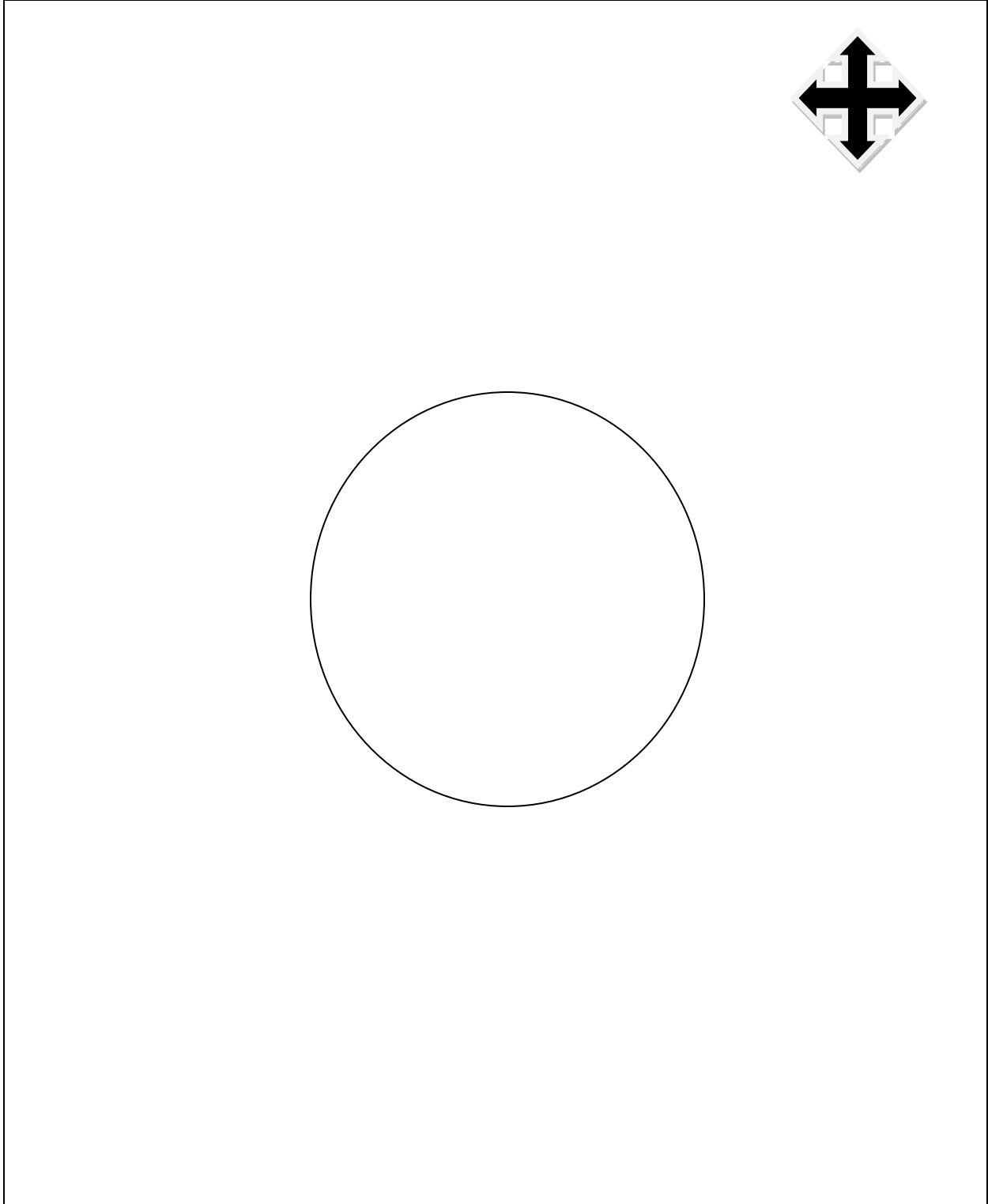
A large rectangular box with a thin black border, intended for a site diagram. In the center of the box is a large, empty circle. In the top right corner of the box is a directional cross icon, which consists of a black cross with four arrows pointing outwards, overlaid on a white diamond shape with a black border.

EXHIBIT "B"

OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST

PART A – DISPLAY INFORMATION

Name of Company: _____ License No. _____

Name of Lead Operator: _____ License No. _____

Location of Display: _____

Venue Contact: (Name, Address and Telephone Number)

Date of Display: _____ Alternative Display Date: _____

<u>Assistants Names</u>	<u>Date of Birth</u>	<u>License No. (If Any)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES

- Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.
- Identify the largest mortar size in inches: ()
- The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

Table 1

Mortar Size (in inches)	Minimum Secured Diameter of the Site (in feet)
<3	280
3	420
4	560
5	700
6	840
7	980
8	1120
10	1400
12	1680

Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

- Spectators and spectator parking areas must be located outside of the display site.

- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.
- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.
- Review sample Display Site Plan at end of this document.

PART C – LOCATION OF DISPLAY

- Mortars shall be placed at the approximate center of the display site.
- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.
- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.
 - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

PART D - MORTARS

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.
- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

PART E – GROUND DISPLAY

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.
 - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.
- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.
- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

PART F – DISPLAY SITE SAFETY

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.
- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.
- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.

- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

PART G – DISCHARGE AREA SAFETY

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.
- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.
- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.
 - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.
- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

PART H – HALTING DISPLAY

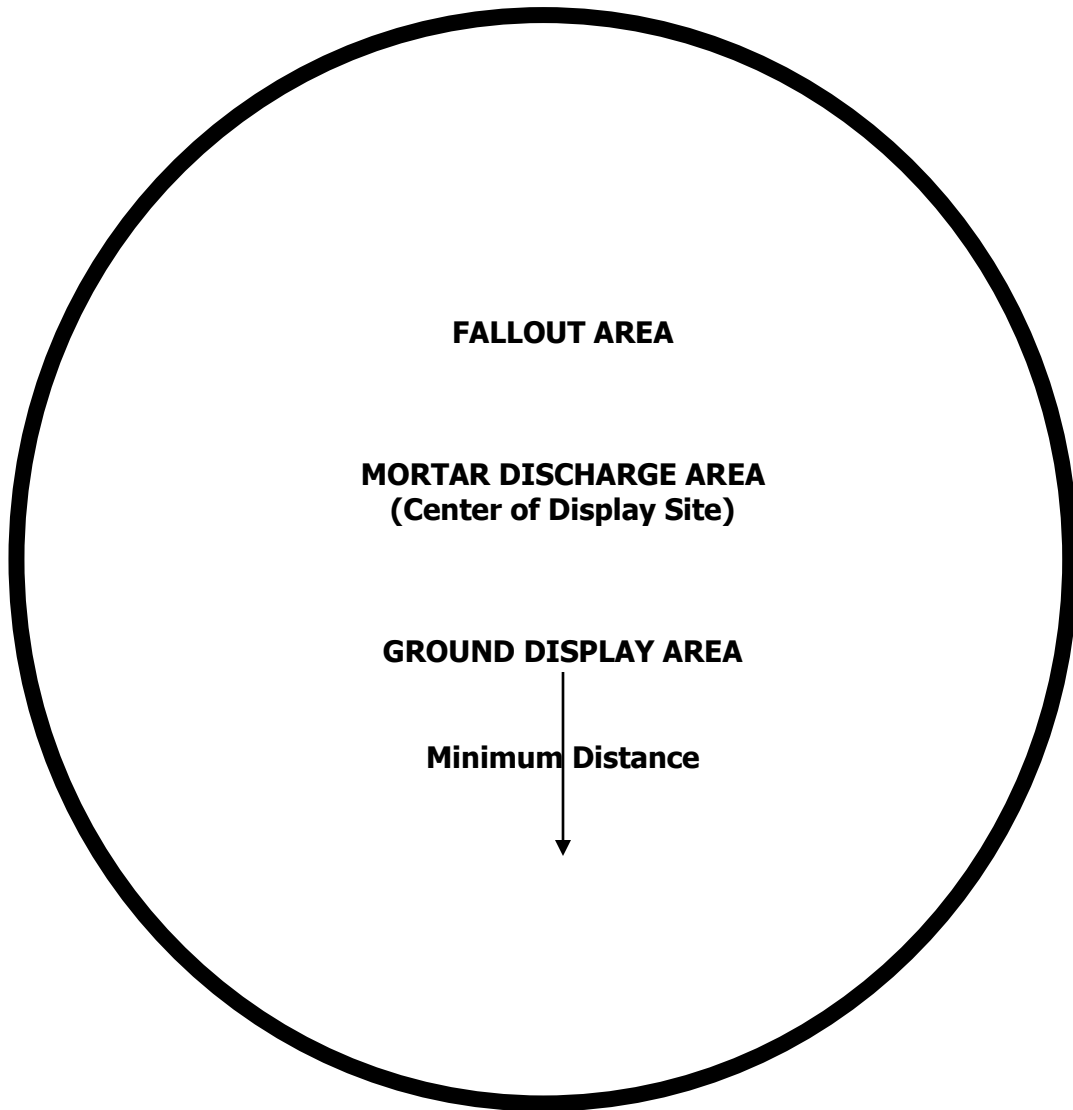
- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:
 - The lack of crowd control,
 - If high winds, precipitation, or other adverse weather conditions prevail, or
 - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.
- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

PART I – POST DISPLAY INSPECTION

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.
- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

DISPLAY SITE PLAN

← **MINIMUM SECURED DISTANCE** →



SPECTATOR VIEWING AREA

VEHICLE PARKING AREA

EXHIBIT "D"

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

OUTDOOR PYROTECHNIC DISPLAY PERMIT

Date _____ Permit No. _____

PERMITTEES:

Display Sponsor _____

Pyrotechnic Distributor _____

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on _____,

(Month, Day, Year)

at _____ in _____, Illinois.

(Time)

(City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on _____,

at _____.

(Month, Day, Year)

(Time)

The Lead Pyrotechnic Operator, _____, is hereby

(Name)

designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.

CITY OF HILLSBORO

PERMIT NO. _____

Permit for Horse-Drawn Vehicle for hire issued to _____

Effective Dates _____

Through _____

CITY OF HILLSBORO

BUSINESS LICENSE APPLICATION

APPLICATION NO. _____ ANNUAL LICENSE FEE DUE MAY 1ST: \$ _____

(PLEASE TYPE OR PRINT)

1. Applicant's Name: _____ PHONE () _____
2. Applicant's Address _____
City _____ State _____ ZIP _____
3. Length of resident at above address _____ years _____ months
4. Applicant's Date of Birth ___/___/___ Social Security No. _____
5. Marital Status _____ Name of Spouse _____
6. Citizenship of Applicant _____
7. Business Name _____ PHONE () _____
8. Business Address _____
City _____ State _____ ZIP _____
9. Length of Employment _____ years _____ months
10. All residences and addresses for the last three (3) years if different than above:

11. Name and Address of employers during the last three (3) years if different than above:

12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:

13. A description of the subject matter that will be used in the applicant's business:

14. Has the applicant ever had a license in this municipality? Yes No
If so, when _____
15. Has a license issued to this applicant ever been revoked? Yes No
If "yes", explain: _____
16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.?
 Yes No If "yes", explain: _____
17. Has the applicant ever been convicted of the commission of a felony? Yes No
If "yes", explain: _____
18. LICENSE DATA: Term of License _____
Fee for License \$ _____
Sales Tax Number _____
License Classification _____
19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):

OFFICIAL BUSINESS LICENSE

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF HILLSBORO)

ILLINOIS SALES TAX NUMBER _____

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

WHEREAS _____,
having complied with all the requirements of the laws of the State of Illinois and the ordinances of the **City of Hillsboro, Illinois** in this behalf made and required license is, by authority of the **City of Hillsboro, Illinois** given and granted to the _____
to _____ at _____
_____ in the **City of Hillsboro, County of Montgomery, and State of Illinois**,
from the _____ date hereof until the _____ day of _____, __, said _____
_____ to be subject to all laws of the State of
Illinois and all ordinances of the **City of Hillsboro, Illinois**, not in conflict therewith, which are
now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the Mayor of the **City of Hillsboro, County of Montgomery, Illinois** and the seal thereof, this _____ day of _____, _____.

MAYOR
CITY OF HILLSBORO

COUNTERSIGNED:

CITY CLERK
CITY OF HILLSBORO

(SEAL)

CHAPTER 8 – CABLE TELEVISION

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CHAPTER 8

CABLE TELEVISION

ARTICLE I – CABLE/VIDEO SERVICE PROVIDER FEE
AND PEG ACCESS FEE

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

- (A) **"Cable Service"** means that term as defined in 47 U.S.C. § 522(6).
- (B) **"Commission"** means the Illinois Commerce Commission.
- (C) **"Gross Revenues"** means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the City.

- (1) Gross revenues shall include the following:
 - (a) Recurring charges for cable or video service.
 - (b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
 - (c) Rental of set top boxes and other cable service or video service equipment.
 - (d) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
 - (e) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
 - (f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
 - (g) A *pro rata* portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the City. The allocation shall be based on the number of subscribers in the City divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
 - (h) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (i).
 - (i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
 - (j) The service provider fee permitted by 220 ILCS 5/22-501.

- (2) Gross revenues do not include any of the following:
- (a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/22-501.
 - (b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
 - (c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.
 - (d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the City and pay the fee permitted by 220 ILCS 5/22-501 with respect to the service.
 - (e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
 - (f) Security deposits collected from subscribers.
 - (g) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/22-501 which would otherwise be paid by the cable service or video service.

(D) **"Holder"** means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/22-501.

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

(F) **"Service Provider Fee"** means the amount paid under this Article and 220 ILCS 5/22-501 by the holder to a City for the service areas within its territorial jurisdiction.

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

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

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

(B) **Amount of Fee.** The amount of the fee imposed hereby shall be **five percent (5%)** of the holder's gross revenues.

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

(D) **Holder's Liability.** The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following **thirty (30) days** after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/22-501 to the City.

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

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

(G) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/22-501 with credit to prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under the law.

8-1-3 PEG ACCESS SUPPORT FEE IMPOSED.

(A) **PEG Fee Imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the City in addition to the fee imposed pursuant to **Section 8-1-2(B)**.

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

(C) **Payment.** The holder shall pay the PEG access support fee to the City or to the entity designated by the City to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in **Section 8-1-2(D)**.

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

(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to **220 ILCS 5/22-501** shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owed under **Section 8-1-3(B)**.

8-1-4 APPLICABLE PRINCIPLES. All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-1-5 NO IMPACT ON OTHER TAXES DUE FROM HOLDER. Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to

cable service or video service. A State-issued authorization shall not affect any requirement of the holder

with respect to payment of the City's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

8-1-6 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.

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

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

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

(See 220 ILCS 5/22-501)

ARTICLE II - CABLE AND VIDEO CUSTOMER PROTECTION LAW

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

(A) **Adoption.** The regulations of 220 ILCS 5/22-501 are hereby adopted by reference and may applicable to the cable or video providers offering services within the City's boundaries.

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

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

8-2-3 CUSTOMER CREDITS. The City hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/22-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

8-2-4 PENALTIES. The City, pursuant to 220 ILCS 5/22-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed **Seven Hundred Fifty Dollars (\$750.00)** for each day of the material breach, and shall not exceed **Twenty-Five Thousand Dollars (\$25,000.00)** for each occurrence of a material breach per customer.

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

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

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

CHAPTER 11 – EMPLOYEE REGULATIONS

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CHAPTER 11

EMPLOYEE REGULATIONS

ARTICLE I – RESIDENCY REQUIREMENTS

11-1-1 RESIDENCY NOT REQUIRED.

(A) All at-will employees employed by the City shall not have any residency requirements attached to or incorporated with their job title.

(B) **Section 11-1-1(A)** will not apply to any employees that have a negotiated contract with the City regarding their employment, such as, Union employees. Union contract shall govern any residency requirements which those employees must fill.

(C) This Section shall have no effect on Ordinance No. 1504 – An Ordinance Setting Residency Requirements for Boards and Committees adopted September 8, 2009.

(Ord. No. 1668; 10-24-17)

ARTICLE II - HEALTH BENEFIT PLAN

11-2-1 PLAN ESTABLISHED. The City shall continue an FDIC insured account at First Community Bank of Hillsboro, Hillsboro, Illinois. Said account shall be used only for the payment of the employer's share of the deductible payable under the Employee Health Benefit Plan.

11-2-2 ACCOUNT FUNDING. The account shall be funded by the savings realized from lower insurance premiums. The account will be maintained by the City making monthly contributions into said account to reimburse said account for any deductibles paid out during the previous month.

(Ord. No. 1615; 06-09-15)

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ARTICLE III – SOCIAL MEDIA POLICY

11-3-1 **MISSION STATEMENT.** It shall be the mission of the City to ensure its employees maintain professional conduct in their on and off work lives. This shall include the image an employee portrays of themselves on the internet and computer related media.

11-3-2 **PURPOSE.** The purpose of this policy is to outline the expectations of employees with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of the City.

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

11-3-4 **RULES AND REGULATIONS.**

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

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

(C) Unless granted explicit permission, employees including police officers of the City are prohibited from posting any of the following in any social networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:

- (1) Any text, photograph, audio, video, or any other multimedia file related to any investigation of the police department, both current and past.
- (2) Any text, photograph, audio, video, or any other multimedia file related to any past or current action of the City police department, either in homage or critique.
- (3) Any text, photograph, audio, video, or any other multimedia file that is related to any City department business or event.

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

- (1) Employees will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the City.
- (2) Sexually graphic or explicit material, of any kind, shall not be posted by the employee on any form of social media or social networking sites.
- (3) Sexually graphic or explicit material posted by others to the employee's social media or social networking sites shall be immediately removed.

- (4) Weaponry, owned by the Village, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites.
- (5) Weaponry, privately owned by any police officer, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote a disparaging image to the City.
- (6) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the public shall not be detrimental to the City's mission now shall it, in any way, undermine the public's trust or confidence of the City departments.
- (7) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence of the City departments.
- (8) Any posting that detracts from the City department's mission will be considered a direct violation of this policy.

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

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

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

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

ARTICLE IV – ANTI-BULLYING POLICY

11-4-1 APPLICATION OF POLICY. The City finds a safe work environment is beneficial for employees and promotes productivity. Workplace bullying has been linked to absenteeism, drug and alcohol use, and sexual violence. The City considers workplace bullying unacceptable and will not tolerate it. The anti-bullying policy shall apply to all individuals who are employees, volunteers and contractors. For purposes of this policy:

- (A) **"Employee"** is defined as an individual working for the City for remuneration;
- (B) **"Volunteer"** is defined as an individual who volunteers services to the City without remuneration;
- (C) **"Contractor"** is defined as an individual who contracts with the City to provide services, or an individual who works for a contractor of the City.

11-4-2 DEFINITION. Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) placing the person in reasonable fear of harm to the person or the person's property;
- (B) causing a substantially detrimental effect on the person's physical or mental health;
- (C) substantially interfering with the person's productivity; or
- (D) substantially interfering with the person's ability to participate in or benefit from the opportunities offered by the employer.

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

11-4-3 BULLYING PROHIBITED. Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, and any other distinguishing characteristic is prohibited in all places of employment, and an employer shall prevent bullying in its place of employment.

- (A) No person shall be subjected to bullying:
 - (1) during any period of employment activity;
 - (2) while working, on property of the employer, or at employer-sponsored or employer-sanctioned events or activities; or
 - (3) through the transmission of information from an employment utilized telephone, computer, computer network, or other similar electronic employer-utilized equipment.
- (B) Nothing in this policy is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment of the United States Constitution.

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

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

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

11-4-5 REPORTING AND COMPLAINT PROCEDURE. The City encourages all employees, volunteers or contractors to promptly report any instance of bullying behavior. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken. The City shall make every effort to stop alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

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

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

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

ARTICLE V – DOMESTIC AND SEXUAL VIOLENCE POLICY

11-5-1 **PURPOSE OF POLICY.** Domestic violence can permeate the lives and compromise the safety of employees with tragic, destructive and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past. Domestic violence represents a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against another in an intimate relationship or in the same household, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The City will take appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

11-5-2 **DEFINITION.** For purposes of this policy and pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), the following terms are defined as follows:

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

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

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

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

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

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

11-5-3 **VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA).** The person against whom an abuser directs coercive and/or violent acts, including an employee who is a victim of domestic or sexual violence, or an employee's family or household member who is a victim of domestic or sexual violence, and whose interests are not adverse to the employee as it related to domestic or sexual violence.

11-5-4 **POLICY.**

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

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

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

- (1) Illinois law prohibits employers from interfering with, restraining, or denying the exercise of any right provided under VESSA. This law requires employers, when given **forty-eight (48) hours** prior notification, to allow time off for employed victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence, to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from the employer for the employee or the family or household member who is a victim.
- (2) Illinois law prohibits employers from discriminating against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence.
- (3) An employee who is a victim of domestic or sexual violence, or has a family or household member who is a victim of domestic or sexual violence and whose interests are not adverse to the employee as it relates to domestic or sexual violence, may take unpaid leave from work to address domestic or sexual violence by:
 - (a) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the victim;
 - (b) obtaining services from a victim services organization for the victim;
 - (c) obtaining psychological or other counseling for the victim;
 - (d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the victim;
 - (e) seeking legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
- (4) The employee shall be entitled to a total of **twelve (12) workweeks** of leave during any **twelve (12) month** period. This policy does not create a right for an employee to take an unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by the federal Family Medical Leave Act. Leave may be taken intermittently or on a reduced work schedule. An employee may substitute accumulated paid leave for unpaid leave; however, the paid leave will count toward the number of workweeks used for purposes of this policy. The employee shall provide at least **forty-eight (48) hours** advance notice of the employee's intention to take leave, unless providing such notice is not practicable. No action will be taken against an employee for failing to provide **forty-eight (48) hours** advance notice if the employee provides certification that leave was used for the purposes outlined in **Section 11-5-4(B)(2)** of this Section and can demonstrate that advance notice was not practicable.
- (5) During a leave taken pursuant to this policy, the City shall maintain coverage under its group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of such leave. If the employee fails to return from leave, however, the City may recover any premium costs it paid for such coverage if the reason for the employee not returning is other than the continuation, recurrence, or

onset of domestic or sexual violence or circumstances beyond the control of the employee. Neither seniority nor leave benefits will accrue to the employee during unpaid leave.

- (6) The City, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family or household member who has been a victim of domestic violence, the employee's supervisor or the City Council (or their designee) will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.
- (7) The City requires certification from an employee for leave under this policy. The employee shall certify that the leave is for one of the purposes enumerated in **Section 11-5-4(B)** of this Section. Certification shall be provided to the employer within a time period set by the employer.
- (8) The City understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required certification to justify absences without compromising their safety. Therefore, the Mayor or his designee shall consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer.
- (9) All information provided to the employer pursuant to notification and certification requirements of this policy, and the purposes for which leave may be requested pursuant to this policy, shall be retained in strictest confidence by the employer, except to the extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or State law. Reported information shall be kept private to the greatest extent possible by Federal law, State law, and City policy; however, information may have to be disclosed pursuant to a subpoena, Illinois Supreme Court Rules, a court of law, or where otherwise required by law. Where medical information is received by the City from an employee who is the victim of domestic violence, such medical information shall be kept confidential.
- (10) Employees who are victims of domestic violence and who are legally separated from a covered spouse or civil-union partner, shall be allowed to make reasonable changes in benefits at any time during the calendar year, provided the change is requested within **thirty (30) days** of the separation and is in accordance with the City policies, rules, and regulations.
- (11) The City will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

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

Any physical assault or threat made by an employee, volunteer, or contractor, while on City premises, during working hours, while representing the City, or at a City-sponsored event, is a serious violation of this policy. This policy applies not only to acts against employees, but to acts against all other persons. Those found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

- (1) In cases in which the City has found that an employee, volunteer, or contractor, has threatened, harassed, or abused an intimate partner at the workplace using City resources such as work time, workplace telephones, facsimile machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.
- (2) In cases in which the City has verification that an employee, volunteer, or contractor is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee, volunteer or contractor has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the Mayor shall determine if corrective action is warranted.
- (3) In cases in which any employee, volunteer, or contractor intentionally uses his/her job-related authority and/or intentionally uses City resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his/her behavior, said individual may be subject to corrective or disciplinary action.

CHAPTER 15 – FLOOD PLAIN CODE

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CHAPTER 15

FLOOD PLAIN CODE

15-1-1 PURPOSE. This Code is enacted pursuant to the police powers granted to this City by the **Illinois Compiled Statutes, Chapter 65, Sections 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2** in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect health, safety and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas; and
- (F) To make federally subsidized flood insurance available.

15-1-2 DEFINITIONS. For the purposes of this Code, the following definitions are adopted:

BASE FLOOD: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 15-1-3** of this Code.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

BUILDING: A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes and prefabricated buildings. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days**.

[NOTE: The NFIP requires that references be made to "manufactured homes" rather than "mobile homes".]

DEVELOPMENT: Any man-made change to real estate including:

- (A) Construction, reconstruction, or placement of a building, or any addition to a building, exceeding **seventy (70) square feet** in floor area;
- (B) Substantial improvement of an existing building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days**;
- (D) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) Construction or erection of levees, dams, walls, or fences;
- (F) Drilling, mining, filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface;
- (G) Storage of materials including the placement of gas and liquid storage tanks; and
- (H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

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

FEMA: Federal Emergency Management Agency.

[NOTE: FEMA regulations can be found at 44 CFR 59-79 effective October 1, 1986 (revised 10/01/90).]

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

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): They are synonymous. Those lands within the jurisdiction of the City that are subject to inundation by the base flood. The floodplains of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated **August 19, 1986**. The floodplains of those parts of unincorporated **Montgomery County** that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Hazard Boundary Map prepared for **Montgomery County** by the Federal Emergency Management Agency and dated **January 9, 1981**.

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

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

FLOOD PROTECTION ELEVATION OR FPE: The elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

[ED. NOTE: NFIP Regulations require protection to or above the base flood elevation. One (1) foot of freeboard is recommended by IDOT/DWR. A municipality may use higher freeboard requirements if it desires.]

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

IDOT/DWR: Illinois Department of Transportation/Division of Water Resources.

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

NFIP: National Flood Insurance Program.

SFHA: See definition of floodplain.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

SUBSTANTIAL IMPROVEMENT: is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the

external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

15-1-3 BASE FLOOD ELEVATION. This Code’s protection standard is the base flood. The best available base flood elevation data are listed below. **Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace the existing data with better data and submit it to the Federal Emergency Management Agency for approval.**

[See: NFIP Requirement: 44 CFR 60.3(b).]

(A) The base flood elevation for each of the floodplains delineated as an “A Zone” on the Flood Insurance Rate Map of the City shall be according to the best data available from Federal, State or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(B) The base flood elevation for the floodplains of those parts of unincorporated **Montgomery County** that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, shall be according to best available data.

15-1-4 DUTIES OF THE CITY CLERK. The City Clerk shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Code. Specifically, the City Clerk shall:

(A) Process development permits in accordance with **Section 15-1-5;**

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 15-1-6.**

(C) Ensure that the building protection requirements for all buildings subject to **Section 15-1-7** are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;

[See: NFIP Requirements: 44 CFR 60.3(b)(5)(iii) and 59.22(a)(9)(iii).]

(D) Assure that all subdivisions and annexations meet the requirements of **Section 15-1-8;**

(E) If a variance is requested, ensure that the requirements of **Section 15-1-9** are met and maintain documentation of any variances granted;

(F) Inspect all development projects and take any and all actions outlined in **Section 15-1-11** as necessary to ensure compliance with this Code;

(G) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(H) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(I) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code; and

(J) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code.

15-1-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in the floodplain without first obtaining a development permit from the City Clerk. The City Clerk shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) **Application Documents.** The application for development permit shall be accompanied by:

- (1) drawings of the site, drawn to scale showing property line dimensions;

- (2) existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) the location and dimensions of all buildings and additions to buildings, and
- (4) the elevation of the lowest floor (including basements) of all proposed buildings subject to the requirements of **Section 15-1-7** of this Code.

(B) **Elevation Comparisons.** Upon receipt of an application for development permit, the City Clerk shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not in the floodplain and therefore not subject to the requirements of this Code. The City Clerk shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

[ED. NOTE: Although survey data may show the development site to be entirely above the base flood elevation, a Letter of Map Amendment (LOMA) will still be required to remove the site from the mapped floodplain for insurance requirements.]

15-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within all floodplains where a floodway has not been delineated, the following standards shall apply:

[NFIP Requirements: 44 CFR 60.3(a)(4)(1), 60.3(c)(10), and 60.3(d)(3).]

(A) Except as provided in **Section 15-1-6(B)**, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Barge fleeting facilities meeting the conditions of IDOT/DWR Statewide Permit No. 3;
- (2) Aerial utility crossings meeting the conditions of IDOT/DWR Statewide Permit No. 4;
- (3) Minor boat docks meeting the conditions of IDOT/DWR Statewide Permit No. 5;
- (4) Minor, non-obstructive activities meeting the conditions of IDOT/DWR Statewide Permit No. 6;
- (5) Outfall structures and drainage ditch outlets meeting the conditions of IDOT/DWR Statewide Permit No. 7;
- (6) Underground pipeline and utility crossings meeting the conditions of IDOT/DWR Statewide Permit No. 8;
- (7) Bank stabilization projects meeting the conditions of IDOT/DWR Statewide Permit No. 9;
- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDOT/DWR Statewide Permit No. 10;
- (9) Minor maintenance dredging activities meeting the conditions of IDOT/DWR Statewide Permit No. 11; and
- (10) Any development determined by IDOT/DWR to be located entirely in a flood fringe area.

(B) Other development activities not listed in (A) may be permitted only if:

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

(See 615 ILCS 5/5 through 29A)

15-1-7 **PROTECTING BUILDINGS.**

(A) **Requirements.** In addition to the damage prevention requirements of **Section 15-1-6**, all buildings to be located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than **One Thousand Dollars (\$1,000.00)**;
- (2) Substantial improvements made to an existing building;
- (3) Structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)**;
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and
- (5) Installing a travel trailer on a site for more than **one hundred eighty (180) days.**

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

[See NFIP Requirements: 44 CFR 60.3(c)(2).]

- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (b) The fill shall be placed in layers no greater than **one (1) foot** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation;
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - (e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; or
- (2) The building may be elevated in accordance with the following:

[See: NFIP Requirements: 44 CFR 60.3(a)(3) and 60.3(c)(5).]

 - (a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (c) If walls are used, all fully enclosed areas below the base flood elevation shall address hydrostatic pressures by having a minimum of **two (2)** permanent openings no more than **one (1) foot** above grade and providing a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation;
 - (d) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
 - (e) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
 - (f) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located

below the flood protection elevation provided they are waterproofed; and

- (g) No area below the flood protection elevation shall be used for storage of items or materials.

(C) Manufactured homes and travel trailers to be installed on site for more than **one hundred eighty (180)** days shall be:

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

(D) **Non-Residential** buildings may be structurally floodproofed (in lieu of elevation) provided a registered professional engineer certifies that:

- (1) below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (2) the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impact from debris and ice; and
- (3) floodproofing measures will be operable without human intervention and without an outside source of electricity.

(E) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Section.

[See NFIP Requirements: 44 CFR 60.3(c)(4).]

15-1-8 SUBDIVISION AND OTHER DEVELOPMENT REQUIREMENTS. The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) **Data Required.** New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 15-1-6** and **15-1-7** of this Code. Any proposal for such development shall include the following data:

- (1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
- (2) The boundary of the floodway when available; and
- (3) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**See 765 ILCS 205/2**).

(B) **Health Standards.** Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 15-1-6** and **15-1-7**, the following standards apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of **Section 15-1-7** of this Code.
- (2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the flood protection elevation are watertight.

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

[ED. NOTE: This Section sets minimum subdivision design review and recording standards when subdivisions are located within a floodplain. It also provides guidance for other activities defined as "development" which may occur in a floodplain. NFIP Requirement: 44 CFR 60.2(c)

NFIP Requirement: 44 CFR 60.3(b)(3) only applies to subdivisions greater than five (5) acres or fifty (50) lots.

All new plats recorded must show the location of any floodplains and must be signed, sealed, and certified by a Professional Land Surveyor as per the requirements of Public Act 85-267.]

15-1-9 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board for a variance. The Zoning Board shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) **Requirements for Variance.** No variance shall be granted unless the applicant demonstrates that:

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

[65 ILCS 5/11-13-4 and 5/11-13-5 establishes specific municipal zoning variance criteria.]

(B) **Notification of Applicant.** The Zoning Board shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 15-1-7** would lessen the degree of protection to a building will:

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

[NOTE: The Standard Flood Insurance Policy permits an insurance adjustor to not pay for damage that was caused by something the owner did which increased the hazard to the property. Section 1316 of the National Flood Insurance Act authorizes local officials to request denial of flood insurance for buildings in violation of local floodplain codes.]

(C) Variances to the building protection requirements of **Section 15-1-7** of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of **Section 15-1-19 (A)(1-5)**.

[NOTE: Communities in the NFIP are required to maintain a record of all variance actions, including justification for their issuance, and report them to FEMA. FEMA may

review variances and suspend a community from the NFIP if the review “indicates a pattern inconsistent with the objectives of sound floodplain management...”]

15-1-10 **DISCLAIMER OF LIABILITY.** The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

15-1-11 **PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the City may determine that a violation of the minimum standards of this Code exist. The City shall notify the owner in writing of such violation.

(A) If such owner fails, after **ten (10) days'** notice, to correct the violation:

- (1) The City may make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.
- (2) Any person who violates this Code shall, upon conviction thereof, be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Dollars (\$200.00).**
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

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

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

15-1-12 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including: 1041. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. **[See: NFIP Requirement: 44 CFR 60.2(B).]**

(Ord. No. 1176; 01-25-94)

(See 65 ILCS 5/1-2-1; 5/11-12-12; 5/11-30-2; 5/11-30-8 and 5/11-31-2)

CHAPTER 17 – GARBAGE AND REFUSE

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CHAPTER 17

GARBAGE AND REFUSE

ARTICLE I – GENERAL REGULATIONS

17-1-1 **DEFINITIONS.** Terms used in this Chapter mean as follows:

"GARBAGE". Rejected food wastes, including refuse accumulation of animal, fruit, or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables.

"REFUSE". Ashes, tin cans, broken crockery, glassware, autos, rubbish, junk, liquid waste, waste paper and like materials. **(745)**

17-1-2 **HAULING.** The hauling of garbage or refuse shall be in closed vehicles or containers and handled in such a way that none of the garbage or refuse shall drop, spill, or scatter upon any street or public place. **(745)**

17-1-3 **PROHIBITED DISPOSAL AREAS.**

(A) The City shall not operate or cause to be operated any facility, land fill or otherwise, for disposal of garbage, refuse, ashes or other waste material within the City limits or within **two-fifths (2/5) of a mile** beyond the City limits.

(B) It shall be unlawful for any person to operate any facility, land fill or otherwise which shall be open to the public or to other persons for the disposal of garbage, refuse, ashes or other waste materials within the City limits or within **two-fifths (2/5) of a mile** beyond the City limits.

(C) No person shall dump or dispose of any garbage, refuse, ashes or other waste materials at any such facility owned or operated by any other person within the City limits or within **two-fifths (2/5) of a mile** beyond the City limits. **(Ord. No. 648; 06-08-65)**

17-1-4 **CITY DUMPSTER USE PROHIBITED.**

(A) The throwing away or dumping of personal rubbish in City dumpsters is prohibited.

(B) The City dumpsters are for use for trash which is derived from using City owned property.

(C) Anyone in violation of this Section shall be fined under the General Penalties of the City Code.

(Ord. No. 1688; 12-11-18)

17-1-5 **PLACEMENT OF RESIDENTIAL WASTE RECEPTACLES.** Residential waste receptacles, garbage cans, refuse, and refuse containers shall not be set at curbside earlier than **6:00 P.M.** of the evening prior to the scheduled pick-up day during the months of April through October or sooner than **4:00 P.M.** during the months of November through March. Said containers shall be removed from the curbside as quickly as possible after pickup, but not later than **11:59 P.M.** the evening of the scheduled pick-up day. **(Ord. No. 1468; 11-27-07)**

17-1-6 **BURNING PROHIBITED.** It shall be unlawful at any time to burn under any circumstances any discarded, used, or unconsumed garbage, refuse, or other such waste material of any description, including but not limited to offal, plastic, hair, feathers, bones, manure or animal waste, oil, rubber, or synthetic objects; provided, however, that this Section does not apply to burning that is consistent with the provisions contained in **Article IX** of **Chapter 27**. **(Ord. No. 1468; 11-27-07)**

17-1-7 **LANDSCAPE WASTE.** It shall be unlawful for any person to cause or allow the open dumping or disposal of any landscape waste at any site in the City, or upon the public highways or other public property, except at a site approved by the Illinois Environmental Protection Agency and pursuant to regulations adopted by the Illinois Pollution Control Board. For purposes of this Section, "landscape waste" means any vegetable or plant refuse, except garbage. The term includes clean wood, trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, grass clippings, shrubbery, plant prunings, and yard trimmings or combinations thereof. This Section does not apply to the disposal of landscape waste that is consistent with the provisions contained in **Article IX of Chapter 27. (Ord. No. 1468; 11-27-07)**

CHAPTER 18 – HISTORIC PRESERVATION CODE

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CHAPTER 18

HISTORIC PRESERVATION CODE

18-1-1 **TITLE.** This Code shall be known as the Hillsboro Historic Preservation Code.

18-1-2 **PURPOSE.** The purpose of this Code is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Hillsboro by:

(A) Providing a mechanism to identify and preserve the historic and architectural characteristics of the City which represents elements of the City's cultural, social, economic, political, and architectural history;

(B) To promote civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks and historic districts;

(C) Stabilizing and improving the economic vitality and value of the City's landmarks and historic areas;

(D) Protecting and enhancing the attractiveness of the City to have buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the City;

(E) Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

18-1-3 **DEFINITIONS.** Unless specifically defined below, words or phrases in this Code shall be interpreted giving them the same meaning as they have in common usage and so as to give this Code its most reasonable application.

"Alteration". Any act or process that changes **one (1)** or more of the exterior architectural features of a structure, including, but not limited to the erection, construction, reconstruction, or removal of any structure.

"Area". A specific geographic division of the City of Hillsboro.

"Addition". Any act or process which changes **one (1)** or more of the "exterior architectural features" of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.

"Building". Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.

"Certificate of Appropriateness". A certificate from the Historic Preservation Committee authorizing plans for alterations, construction, removal or demolition of a landmark or site within a designated historic district.

"Committee". The Hillsboro Historic Preservation Committee.

"Committeepersons". Voting members of the Hillsboro Historic Preservation Committee.

"Construction". The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

"City Council". The City Council of the City of Hillsboro.

"Demolition". Any act or process that destroys in part or in whole a landmark or site within a historic district.

"Design Guideline". A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

"Exterior Architectural Appearance". The architectural and general composition of the exterior of a structure, including, but not limited to the kind and the texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

"Historic District". An area designated as a "historic district" by ordinance of the City Council and which may contain with definable geographic boundaries **one (1)** or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

"Landmark". Any building, structure or site which has been designated as a "landmark" by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Hillsboro.

"Owner of Record". The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

"Rehabilitation". The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

"Removal". Any relocation of a structure on its site or to another site.

"Repair". Any change that does not require a building permit that is not construction, relocation or alteration.

"Structure". Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels, and wind generation.

"Structural Change". Any change or repair in the supporting members of a building, structure, roof or exterior walls which would expand the building in height, width or bulk of the building.

(Ord. No. 1596; 03-25-14)

18-1-4 COMPOSITION OF COMMITTEE. There is hereby created and established the Hillsboro Historic Preservation Committee which shall consist of **seven (7) members**, residents of the City, who shall be appointed by the Mayor with the approval of the Council. Preference shall be given to persons who have demonstrated special interest, experience or education in history, architecture, or the preservation of historic resources and to persons who own or lease a Historic Landmark or property within the Historic District. **(Ord. No. 1595; 03-25-14)**

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18-1-5 **TERMS.** The term of the **seven (7) person** to be appointed by the Mayor shall be **three (3) years**, except that, of those first appointed to the Committee, the term of **two (2)** of the members appointed shall be for **one (1) year**, the term of **two (2)** of the members shall be for **two (2) years**, and the term of the remaining **three (3) members** shall be for **three (3) years**. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

18-1-6 **COMPENSATION.** Members of the Committee shall serve without compensation.

18-1-7 **OFFICERS.** Officers shall consist of a Chairman, a Vice-Chairman, and a Secretary elected by the members of the Committee who shall serve a term of **one (1) year** and shall be eligible for re-election, but no member shall serve as a Chairman or as a Vice-Chairman for more than **two (2) consecutive years**. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both are absent, a temporary chairman shall be selected by those present. The Secretary shall have the following duties:

- (A) Take minutes of each Committee meeting;
- (B) Publish and distribute copies of the minutes, reports, and decisions of the Committee to the members of the committee;
- (C) Give notice as provided herein or by law for all public meetings and hearings conducted by the Committee;
- (D) Advise the Mayor of vacancies on the Committee and expiring terms of Committeepersons;
- (E) Prepare and submit to the City Council a complete record of the proceedings before the Committee on any matter requiring consideration by the City Council.

18-1-8 **MEETINGS.**

- (A) A quorum shall consist of a majority of the members.
- (B) All decisions or actions of the Historic Preservation Committee shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

- (C) Meetings shall be held at regularly scheduled times to be established by resolution of the Committee at the beginning of each calendar year or at any time upon the call of the Chairman. There shall be a minimum of **four (4) meetings** per year.

- (D) No Committeeperson shall vote on any matter that may materially or apparently affect the property, income, or business interest of that Committeeperson.

- (E) No action shall be taken by the Committee that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the Committee, as provided herein.

- (F) The Chairman, and in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.

- (G) All meetings of the Committee shall be open to the public.

(H) The Committee keeps minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Preservation Committee and shall be a public record.

18-1-9 POWERS AND DUTIES. In carrying out the purposes of this Code, the Committee shall have the following duties and responsibilities:

(A) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas;

(B) To investigate and recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, or architectural value as "landmarks";

(C) To investigate and recommend to the City Council the adoption of ordinances or resolutions designating properties or structures having special historic, community, or architectural value as "historic districts";

(D) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;

(E) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;

(F) To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places;

(G) To inform and educate the citizens of Hillsboro concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;

(H) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic districts and issue or deny Certificates of Appropriateness for such actions and to require applicants to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

(I) To develop specific guidelines for the alteration, demolition, construction, or removal of landmarks or property and structures within historic districts;

(J) To call upon available City personnel as well as other experts for technical advice;

(K) To testify before all boards and commissions, including the City Plan Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant property and landmarks;

(L) To periodically review the Hillsboro Zoning Code and to recommend to the City Plan Commission, the Zoning Board of Appeals, and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts;

(M) To solicit the assistance of appropriate City personnel as needed to effectuate the purposes set forth in **Section 18-1-2** above; and

(N) Such other duties and responsibilities as the City may designate.

18-1-10 SURVEYS AND RESEARCH. The Historic Preservation Committee shall undertake an ongoing survey and research effort in the City of Hillsboro to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Historic Preservation Committee may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Historic Preservation Committee shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

- (A) The potential landmarks in one identifiable neighborhood or district geographical area of the City;
- (B) The potential landmarks associated with a particular person, event, or historical period;
- (C) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
- (D) Such other criteria as may be adopted by the Committee to assure systematic survey and nomination of all potential landmarks within the City of Hillsboro.

18-1-11 NOMINATIONS FOR LANDMARK DESIGNATION.

(A) Any person, group of persons, or association may apply to the Historic Preservation Committee for the designation of a Landmark.

(B) Nominations shall be submitted to the Historic Preservation Committee on a form provided by the Committee. Applications for a nomination shall be filed at City Hall, directed to the attention of the Secretary of the Historic Preservation Committee, and accompanied by any required filing fee. At a minimum, the application shall include the following:

- (1) The name and address of the property owner.
- (2) The legal description and common street address of the property.
- (3) A written statement describing the property and setting forth reasons in support of the proposed designation.
- (4) Documentation that the property owner has been notified or consents to the application for designation if the applicant is someone other than the owner.
- (5) A list of significant exterior architectural features of the property.
- (6) An overall site plan and photographs of the landmark demonstrating front, side and rear elevation views.

18-1-12 LANDMARK DESIGNATION PROCEDURES.

(A) The Committee shall schedule a public hearing within **forty-five (45) days** after the filing of an application. Notice of date, time, place, and purpose of a public hearing on a landmark application shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than **ten (10)** nor more than **twenty (20) days** prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth for landmark designation.

(B) During the public hearing, the Committee shall review and evaluate the application according to the criteria established by ordinance. A simple majority vote of the

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Committee is necessary to recommend the property, structure, or area for Landmark designation by the City Council. In determining the designation of Landmarks, the Committee shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the local integrity of design, workmanship, materials, location, setting, and feeling and meets one or more of the following criteria:

- (1) Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation;
 - (2) Its identification with a person or persons who significantly contributed to the development of the community, county, state or county;
 - (3) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a specific time period, type, method of construction or use of indigenous materials;
 - (4) Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country;
 - (5) Its unique location or singular physical characteristics that make it an established or familiar visual feature;
 - (6) Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
 - (7) Area that has yielded or may be likely to yield, information important in history or prehistory.
- (C) Following the public hearing, the Secretary of the Committee shall:
- (1) Prepare the Committee's evaluation, recommendation, and all available information for submission to the City Council within **ten (10) days**, and shall thereafter immediately deliver same to the City Clerk for distribution to the City Council together with a request that the matter be placed on the agenda for decision at the next regularly scheduled meeting of the City Council; and
 - (2) Promptly provide the owner(s) of record affected by the Committee's recommendation with a letter containing information of the Committee's decision.
- (D) A simple majority vote by the City Council is necessary for an ordinance approving a Landmark designation. If the City Council approves the ordinance, the City Clerk shall send a notice to the property owner(s) and record same with the County Recorder of Deeds that the property, structure, or area has been designated as a Landmark and shall be subject to issuance of Certificate of Appropriateness. If the City Council denies the petition, no petitioner or applicant may file another petition concerning the same property, structure, or area for a period of **one (1) year** following denial.
- (E) Buildings designated as Landmarks shall be subject to issuance of Certificates of Appropriateness. See **Schedule "A"** entitled "Landmarks" for a list of these Landmarks.

18-1-13 PETITIONS FOR HISTORIC DISTRICT DESIGNATION.

(A) Any person, group of persons, or association may petition the Historic Preservation Committee for the designation of a Historic District.

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(B) Petitions shall be submitted to the Historic Preservation Committee on a form provided by the Committee. Petitions shall be filed at City Hall, directed to the attention of the Secretary of the Historic Preservation Committee, and accompanied by any required filing fee. At a minimum, the petition shall include the following:

- (1) The names and addresses of all persons owning property in the proposed district.
- (2) A map delineating the boundaries of the area to be designed.
- (3) A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
- (4) A list and photographs of significant exterior architectural features indicating how they are contributing to the district.

18-1-14 **HISTORIC DISTRICT DESIGNATION PROCEDURES.**

(A) The petition for designation of a Historic District shall be accompanied by a statement as to the manner in which an attempt has been made to obtain the consent to the proposed designation from both the owners of such tax parcel in the proposed Historic District and any recorded lease holders with a leasehold interest of **five (5) years** or more as of the date that the petition is filed. Such statement should be accompanied by proof or an indication showing consent, opposition, or non-response from such persons or entities for each tax parcel in the proposed Historic District.

(B) The Committee shall schedule a public hearing within **forty-five (45) days** after the filing of a petition. Notice of date, time, place, and purpose of the public hearing shall be sent by mail to owner(s) of record and to the petitioner(s) as well as to the adjoining property owners not less than **ten (10)** nor more than **twenty (20) days** prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the City. The notice shall state the location of the properties, a general description of the boundaries of the proposed Historic District, and a statement summarizing how the proposed area meets the criteria for Historic District designation.

(C) During the public hearing, the Committee shall review and evaluate the application according to the criteria established by ordinance. A simple majority vote of the Committee is necessary to recommend the area for Historic District designation by the City Council. The following criteria shall be utilized by the Committee in determining the designation of Historic Districts:

- (1) The Historic District contains one or more landmarks along with such other buildings, places, or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such District;
- (2) A significant number of structures meeting any of the standards for designation as Landmarks;
- (3) Establishing a sense of time and place unique to the City, and/or;
- (4) Exemplifying or reflecting the cultural, social, economic, political, or architectural history of the nation, the state, or the community.

(D) Following the public hearing, the Secretary of the Committee shall:

- (1) Prepare the Committee's evaluation, recommendation, and all available information for submission to the City Council within **ten**

(10) days, and shall thereafter immediately deliver same to the City Clerk for distribution to the City Council together with a request that the matter be placed on the agenda for decision at the next regularly scheduled meeting of the City Council; and

- (2) Promptly provide the owner(s) of record affected by the Committee's recommendation with a letter containing information of the Committee's decision.

(E) A simple majority vote by the City Council is necessary for an ordinance approving a Historic District designation. If the City Council approves the ordinance, the City Clerk shall send a notice to the property owner(s) and record same with the County Recorder of Deeds that the area has been designated as a Historic District and that buildings located within the boundaries of the Historic District shall be subject to issuance of Certificate of Appropriateness. If the City Council denies the petition, no petitioner or applicant may file another petition concerning the same property, structure, or area for a period of **six (6) months** following denial.

(F) All buildings and structures in areas designated as Historic Districts shall be subject to issuance of Certificates of Appropriateness. See **Schedule "B"** entitled "Historic Districts" for a list of these Historic Districts.

18-1-15 CERTIFICATE OF APPROPRIATENESS.

(A) A Certificate of Appropriateness (COA) issued by the Committee shall be required before a building permit, moving permit, or demolition permit is issued for any designated Historic Landmark or any building, structure, or site or part thereof in the Historic District. A COA is required if the building, structure, or site will be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of such building or structure. Such major changes include, but are not limited to:

- (1) Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
- (2) Most new construction and demolition in whole or in part requiring a permit from the City of Hillsboro;
- (3) Moving a building;
- (4) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.

(B) An exception to the COA shall be made if the applicant shows to the Committee that a failure to grant the permit will cause an imminent threat to life, health, or property.

18-1-16 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS. Every application for a demolition permit or applicable building permit, including plans and specifications, shall be forwarded to the Historic Preservation Committee within **fifteen (15) days** following receipt of the application. The application for issuance of a COA must include:

- (A) Street address of the property involved.
- (B) Legal description of the property involved.
- (C) Brief description of the present improvements situated on the property.
- (D) A detailed description of the construction, alteration, demolition, or use proposed together with any architectural drawings or sketches if those services have been

utilized by the applicant and if not, a sufficient description of the construction, alteration, demolition, and use to enable anyone to determine what final appearance and use of the real estate will be.

- (E) Owner's name.
- (F) Developer's name, if different than owner.
- (G) Architect's name, if any.
- (H) Payment of the filing fee, if any.

18-1-17 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS. In making a determination whether to approve or deny an application for a COA, the Hillsboro Historic Preservation Committee shall be guided by the Secretary of the Interior's "Standards for Rehabilitation", as follows:

(A) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;

(B) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided or at least minimized;

(C) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;

(D) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;

(E) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;

(F) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall, as closely as possible, match the old in design, texture, materials and other visual qualities. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence whenever it is available;

(G) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;

(H) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

(I) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;

(J) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. No. 1596; 03-25-14)

18-1-18 **DESIGN GUIDELINES.** Design guidelines for applying the criteria for review of Certificates of Appropriateness shall at a minimum, consider the following architectural criteria:

(A) **Height.** The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

(B) **Proportions of Windows and Doors.** The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.

(C) **Relationship of Building Masses and Spaces.** The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

(D) **Roof Shape.** The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark.

(E) **Landscaping.** Landscaping should be compatible with the architectural character and appearance of the landmark.

(F) **Scale.** The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

(G) **Directional Expression.** Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures.

(H) The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

(I) **Architectural Details.** Architectural details including types of materials and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district.

(J) New structures in a Historic District shall be compatible with the architectural styles and design in said districts.

(Ord. No. 1596; 03-25-14)

18-1-19 **CERTIFICATE OF APPROPRIATENESS HEARING.**

(A) Applications shall be submitted to the Historic Preservation Committee on a form provided by the Committee. Petitions shall be filed at City Hall, directed to the attention of the Secretary of the Historic Preservation Committee, and accompanied by any required filing fee.

(B) The Committee shall schedule a public meeting for consideration of the application within **fifteen (15) days** of receipt of application and hold such hearing within **thirty (30) days** of such receipt. A public notice for consideration of the application shall be made not less than **ten (10) days** nor more than **twenty (20) days** before hearing, in a newspaper of general circulation published in the City.

(C) The Historic Preservation Committee shall notify the applicants of its decision within **five (5) days** after the public meeting.

(1) Upon approval of the application, the Committee shall direct the City Clerk to issue signed COA to the applicant with copies forwarded to the appropriate City personnel. A COA shall be invalid if substantial changes in the plans reviewed by the Committee are necessary in obtaining a building permit or if the

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building permit issued for the same work becomes invalid. The Certificate of Appropriateness remains valid for **six (6) months** from the date of issue.

- (2) In the event of denial of an application for a COA, the Committee shall notify the applicant in writing of the disapproval and the reasons therefor and shall recommend changes in the proposed action that would cause the Committee to reconsider its denial. Within **fifteen (15) days** of receipt of the notification of disapproval, the applicant may submit an amended application for a COA that takes into consideration the recommendations of the Historic Preservation Committee. The application shall be considered to be withdrawn if no written modification within the **fifteen (15) day** period as noted above is received. Within **thirty (30) days** of receipt of an amended application, the Committee must either issue the COA or reaffirm the denial. The process for the consideration of a modified COA application is as follows:
 - (a) The Historic Preservation Committee shall select a reasonable time and place for consideration of the appeal and give due notice thereof to the applicant by mailing notice of the hearing. Said mailing is to be made at least **ten (10) days** prior to the date of the hearing.
 - (b) The Chairperson shall conduct the meeting, and the Historic Preservation Committee and the applicant shall have the right to introduce evidence and cross examine witnesses. A recorded or written transcript of the hearing shall be made and kept.
 - (c) The Committee shall vote, announce its decision, make its recommendation, and notify the applicant either at or within **five (5) days** after the conclusion of the meeting, unless the time is extended by mutual agreement between the Committee and the applicant.
 - (d) In the event of a denial of appeal by the Preservation Committee, the applicant may appeal the decision of the City Council, whose decision in this matter shall be final subject only to judicial review as provided by law.

(Ord. No. 1597; 03-25-14)

18-1-20 **CERTIFICATE OF ECONOMIC HARDSHIP.** A Certificate of Economic Hardship may be issued consistent with this Section to allow the performance of work for which a Certificate of Appropriateness has been denied.

(A) Applicants claiming economic hardship shall be required to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Committee in making its decision.

(B) An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Committee in making its determination on the application:

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- (1) The amount paid for the property, the date of purchase and the party from whom purchased;
- (2) The total estimated amount of investment in the subject project;
- (3) The estimated amount of increased cost attributable to the owner/developer to be in compliance with the standards as established by the Committee;
- (4) The assessed value of the land and improvements thereon according to the two most recent assessments;
- (5) Real estate taxes for the previous **two (2) years**;
- (6) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous **two (2) years**;
- (7) Any listing of the property for sale or rent, price asked and offers received, if any;
- (8) If the property is income-producing, the annual gross income from the property for the previous **two (2) years**, itemized operating and maintenance expenses for the previous **two (2) years**, and annual cash flow before and after debt service, if any during the same period;
- (9) Any other information reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners;
- (10) the Committee shall make a decision within **twenty (20) days** of submittal of the request. If the Committee finds that without approval of the proposed work, the property owner cannot obtain a reasonable economic return therefrom, the Committee shall make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return of the subject property through a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.

(C) If the City Council finds that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Council shall issue a Certificate of Economic Hardship approving the proposed work with reduced or waived regulations. If the Council finds otherwise, it shall deny the application for a Certificate of Economic Hardship. A Council decision shall be rendered no later than the second regular meeting following receipt of a recommendation from the Historic Preservation Committee.

18-1-21 APPEALS. When a Certificate of Appropriateness or a Certificate of Economic Hardship is denied for either a Landmark or a structure within a Historic District, the applicant or any interested party may, within **thirty (30) days**, appeal the Committee's decision to the City Council. The Council may receive comments on the contents of the record but no new matter may be considered by the Council. The City Council may affirm or reverse the decision or recommend changes by a majority vote of the Council after due consideration of the facts contained in the record submitted to the Council by the Committee. The Council may overturn the Committee's decision by a majority vote of a quorum of the Council. Council action shall be taken rendered no later than the second regular meeting following receipt of the appeal.

18-1-22 **NATURAL DESTRUCTION OR DEMOLITION.** In the case of partial or complete natural destruction or demolition of a site within a Historic District or of a Landmark, the owner will be required to obtain a Certificate of Appropriateness from the Committee prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with the exterior design of the structure prior to damage and either the prior character of the Landmark or the character of the Historic District.

18-1-23 **FEES AND PENALTIES.** The Preservation Committee may establish an appropriate system of processing fees for the review of nominations and COAs. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated Landmark or property within a nominated or designated Landmark or designated Historic District without a COA shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**. Every day such violation shall continue to exist shall constitute a separate violation.

18-1-24 **STOP ORDER.** The Code Enforcement Officer shall have the power to order all work stopped on construction or alteration or repair of buildings or structures in the City when such work is being done in violation of any provision of this Chapter relating thereto, upon the instruction of the Mayor, or, in his absence, the Commissioner of Public Health and Safety. Work shall not be resumed after the issuance of such an order, except on written permission of the Mayor, or, in his absence, the Commissioner of Public Health and Safety, provided that if the stop order is a verbal order, it shall be followed by a written stop order within **one (1) hour**. Such written stop order may be served by any police officer, the Code Enforcement Officer, Commissioner of Public Health and Safety or the Mayor. **(Ord. No. 1598; 03-25-14)**

18-1-25 **ORDINARY MAINTENANCE AND SAFETY.** Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Chapter. Nothing in this Chapter shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants. **(Ord. No. 1596; 03-25-14)**

(Ord. No. 1514; 07-13-10)

HISTORIC PRESERVATION CODE SCHEDULE "A"

SCHEDULE "A"

HISTORIC LANDMARKS

In accordance with **Section 18-1-12**, the following properties, structures, and areas are designated as Landmarks:

[Reserved.]

SCHEDULE "B"

HISTORIC DISTRICTS

In accordance with **Section 18-1-14**, the following Areas are designated as Historic Districts:

- Parcel I: Wood Street on the south between Berry and Hamilton; east of Hamilton Street (Rt. 127) between Wood and West Seward; west of Berry Street between Wood and Church Street; north of Church Street between Berry and Broad Street; west of Broad Street between Church and Wait Street (behind Red Rooster); south of Wait Street between Broad and North Main Street to West Seward Street (including Courthouse Square).
- Parcel II: The properties located at 532 South Main Street, 540 South Main Street, 548 South Main Street and 600 South Main Street, Hillsboro, Illinois.

(Ord. No. 1560; 05-22-12)

CHAPTER 21 - LIQUOR

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CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

"BEER" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 1-3.04)**

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

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

"CLUB" means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

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

"DISTILLED SPIRITS". See "Spirits".

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

"GROCERY STORE" means a store that primarily offers food and grocery items at retail for preparation and/or consumption off the premises that does not offer gasoline for sale and that does not realize in excess of **thirty percent (30%)** of all revenues annually from the sale of alcoholic beverages at the licensed site. **(Ord. No. 1538; 07-12-11)**

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

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

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

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

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

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

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

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

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

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

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

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(235 ILCS 5/1-3.23)**

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

"SELL AT RETAIL" and "SALE OF RETAIL" refer to any mean sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

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

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

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

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

ARTICLE II - LICENSES

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

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(235 ILCS 5/4-1)**

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

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

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

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

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

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

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

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

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

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

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

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

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **two (2) members** of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Mayor, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the

application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(235 ILCS 5/7-1)**

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. **(235 ILCS 5/4-5)**

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

- (A) A person who **is not** a resident of this City;
- (B) A person who is not of good character and reputation in the community in which he resides;
- (C) A person who **is not twenty-one (21) years** of age;
- (D) A person who has been convicted of a felony under any federal or state law if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
- (G) A person whose license has previously been revoked for cause;
- (H) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application;
- (I) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;
- (J) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;
- (K) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the **"Business Corporation Act of 1983"** to transact business in Illinois;
- (L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- (M) Any person, association, or corporation not eligible for a state retail liquor license;
- (N) A person who is not of good character and reputation in the community in which he resides;
- (O) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation;
- (P) A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;
- (Q) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman or member of the city council or commission, and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory

subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city with a population of **fifty thousand (50,000)** or less, to any alderman, member of a city council, in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected;

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

(S) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-3 of the "**Criminal Code of 1961**", approved **July 28, 1961**, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(T) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period; except those persons who are eligible to receive a license under the Raffles Act of the Illinois Pull Tabs and Jar Games Act;

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

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

(W) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Mayor shall determine if all provisions of this paragraph have been met before any action on the corporation's license is initiated;

(X) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

(Y) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period;

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

21-2-5 REQUISITES FOR MANAGER. No licensee shall employ any person to manage his licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in **Section 21-2-4**, except for residency and citizenship. No licensee shall permit any person to act as a manager of his liquor establishment, unless such manager has been approved by the Local Liquor Commissioner.

21-2-6 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **May 1st to April 30th** of the following year.

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

shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

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

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

21-2-7 CLASSIFICATION - LIMITATION. Every person engaged in the retail sale of alcoholic liquor in the City shall pay an annual license fee of **Six Hundred Dollars (\$600.00)**. The following classes are hereby established. The number of licenses allowed in each class shall be at the discretion of **Liquor Commissioner**, who may seek the advice and consent of the **Council**.

(A) **Class "A" Licenses - Retail.** There is hereby created a Class "A" liquor license, which shall authorize retail sale of alcoholic liquor on the premises specified. Alcoholic liquor in said places of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1**.

(B) **Class "C" Licenses – Convenience Stores.** There is hereby created a Class "B" license, which shall permit the sale of beer and wine for consumption off the premises, by licensees whose primary business is not the sale of alcoholic beverages. Alcoholic liquor in said places of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1**.

(C) **Class "C" Licenses - Clubs.** There is hereby created a Class "C" license, which shall permit the sale of alcoholic liquor for consumption only on the specified premises, by "Clubs" as defined in this Code. Alcoholic liquor in said places of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1**.

(D) **Class "D" Licenses – Packaged Liquor.** There is hereby created a Class "D" license, which shall permit the sale of alcoholic liquor for consumption only off the premises, by licensees whose primary business is the sale of alcoholic liquor. Alcoholic liquor in said places of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1**.

(E) **Class "E" Licenses – Restaurants.** There is hereby created a Class "E" liquor license, which shall authorize retail sale of alcoholic liquor on the premises specified. Alcoholic liquor in said places of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1**.

(F) **Class "F" Licenses - Bowling Alley.** There is hereby created a Class "F" liquor license, which shall authorize retail sale of alcoholic liquor on the premises specified. Alcoholic liquor in said places of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1**.

(G) **Class "G" Licenses – Temporary Park License.** There is hereby created a Class "G" liquor license, which shall authorize retail sale of alcoholic liquor from April 1st to October 31st. This Class "G" liquor license would authorize the sale of alcoholic liquor to include, but not be limited to, the locations at Glenn Shoals Marina and the Old Beach House. The cost for the permit for a Class "G" liquor license shall be **Three Hundred Fifty Dollars (\$350.00)**. **(Ord. No. 1627; 09-08-15)**

(H) **Class "H" Licenses – Temporary Uses.** Upon application, the Liquor Commissioner is authorized to issue a Class "H" license for a period of **twelve (12)** or **twenty-four (24) hours** to any civic or religious organization which keeps or desires to keep any place selling or offering for sale, or in any manner dealing in the alcoholic liquors either directly or indirectly. The fee for such license shall be for the sale of alcoholic liquors, the sum of **Twenty-Five Dollars (\$25.00)** for each **twelve (12) hours**; for more than **twelve (12) hours** and not for more than **twenty-four (24) hours** within any **one (1) day**, the fee shall be **Fifty Dollars (\$50.00)**, subject to the provisions of this Chapter.

(I) **Class "I" Licenses – Grocery Stores.** There is hereby created a Class "I" liquor license which shall authorize the sale of alcoholic liquor for consumption only off the premises. **(Ord. No. 1538; 07-12-11)**

(J) **Class "J" Licenses – Brewery/Distillery.** There is hereby created a Class "J" liquor license, which will authorize the manufacture and retail sale of alcoholic liquor on the premises specified. Alcoholic liquor in said place of business shall be accessible to customers only during those hours of sale specified in **Section 21-3-1. (Ord. No. 1727; 04-26-22)**

(K) **Class "J-1" Licenses.** There is hereby created a Class "J-1" liquor license, which shall authorize the sale of manufactured alcoholic liquors pertaining to "J" Licenses only for retail sale off the premises in its sealed, original container. **(Ord. No. 1727; 04-26-22)**
(See 235 ILCS 5/4-1)

21-2-8 NATURE OF LICENSE. A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(See 235 ILCS 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

21-2-9 LIMITATION OF LICENSES.

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

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

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

21-2-10 DRAMSHOP INSURANCE. No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(235 ILCS 5/6-21)**

21-2-11 **DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(See 235 ILCS 5/6-24)**

21-2-12 **RECORD OF LICENSES.** The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours.** **(See 235 ILCS 5/4-1)**

21-2-13 **BEER GARDEN.**

(A) The use of grounds adjacent to places of business licensed under the Liquor Code, commonly known as beer gardens, for the sale or consumption of alcoholic beverages shall not be permitted except by written permission by the Hillsboro Liquor Control Commissioner with the advice and consent of the City Council.

(B) Said use shall not be permitted more than **four (4) times** in a calendar year, except that said use shall be permitted at Old Settler's without further permission from the Commissioner.

(C) The use of music in said beer garden shall not be permitted after **11:00 P.M.**

(D) The use of grounds adjacent to places of business licensed under the Liquor Code as a beer garden shall only be permitted in areas completely enclosed by a privacy fence at least **six (6) feet** high, with a person eligible to sell alcoholic beverages at the gate checking identifications of the patrons entering. **(Ord. No. 1437; 07-11-06)**

21-2-14 **SPECIAL SUNDAY EVENTS.** Special events shall be permitted on a limited number of Sundays inside the licensed premises only and then only with the written permission of the Liquor Control Commissioner. **(Ord. No. 1437; 07-11-06)**

21-2-15 **SIDEWALK CAFÉ PERMIT.** Upon application and payment of the required fee as set forth herein, the holder of a Class A or Class E Liquor license may be issued a Sidewalk Café Permit which shall authorize the sale of alcoholic beverages to be consumed on the sidewalk if the sidewalk is contiguous to the primary license holder's licensed premises. **(Ord. No. 1693; 06-11-19)**

(A) **Application for Sidewalk Café Permit.** Applications for a Sidewalk Café Permit shall be subject to the following:

- (1) All applications shall be made to the City Clerk on a form provided by the City and shall be subject to the requirements of Chapter 21.
- (2) All applications must be accompanied by proof that the applicant's dram shop insurance and premises liability insurance incorporate the sidewalk café area.
- (3) All applications shall specify the maximum number of patrons requested to be accommodated and said number may be limited by the City.
- (4) The application shall have attached **five (5) copies** of a plat or drawing indicating, to scale, the amount of surface the applicant is seeking permission to use and the location of furniture, equipment and any other articles occupying public space.
- (5) The application shall contain a statement by applicant that said applicant, in consideration of being issued a permit for the use of surface space, will agree to hold harmless the City, its officers and employees for any loss or damage arising out of the use.
- (6) The Mayor shall be the approving authority.
- (7) The application shall be accompanied by the requisite fee which shall be returned if the application is denied.

(B) **Review of Application.** Such application shall be reviewed by the Mayor, and by such other City departments as the Mayor deems warranted, in order to secure a recommendation relative to the amount of pedestrian movement to be accommodated, the accuracy and appropriateness of the area to be licensed, and any recommended changes. After reviewing the application and the recommendations received from the departments of the City to whom the plan was referred, the Mayor shall either issue or deny the permit or issue it subject to compliance with any changes which the Mayor may deem appropriate.

(C) **Permit Conditions.** Sidewalk Café Permits shall be subject to the following conditions:

- (1) The alcoholic beverages sold in a sidewalk café shall be the same as those authorized under the primary license held.
- (2) Alcoholic beverages may be served only in a container made of a product that does not easily shatter or break. Glass containers are prohibited.
- (3) Between the street side perimeter of said service area and the curb of said street, there shall be a pedestrian passageway measuring no less than **five (5) feet** in width, provided however, that whenever permanent obstructions are located between the perimeter of the service area and the curb, the required passageway may be reduced to **four (4) feet** in width as measured from such perimeter to such obstruction.
- (4) All holders of a sidewalk café permit may begin sales at **11:00 A.M.** on Monday through Saturday, and Noon on Sunday, and must conclude all sales and clear the café area of all alcoholic beverages no later than **10:00 P.M.**
- (5) The Sidewalk Café Permit shall only be valid from April 1st through October 30th annually.
- (6) Alcoholic liquor shall not be removed from the sidewalk café area, except for a licensee or its employee carrying alcoholic liquor directly between the establishment and the sidewalk restaurant area. The permit holder and its employees shall generally police the activities and movements of its patrons to ensure that alcoholic beverages are not removed from the area.
- (7) All holders of a sidewalk café permit or their employees shall not sell or serve or allow customers to consume alcoholic liquor in the sidewalk café unless customers are seated in the seating provided in accordance with the approved site plans and shall only sell or serve alcoholic liquor when it is accompanied by the serving of food and is incidental thereto.
- (8) Tables shall be cleared of all moveable items such as dishes, condiments and other service items when not occupied.
- (9) The licensee shall promptly remove any litter deposited on or in the vicinity of the surface space used by the licensee resulting from the activity or activities conducted by the licensee or on adjoining such space.
- (10) The licensee shall at all times conduct such activity or activities in an orderly fashion and in such a manner as to protect the public health and safety.
- (11) Such permit area shall be used for business purposes only during the hours specified on the permit authorizing such use, and neither before nor after such hours.
- (12) The licensee shall comply with all health and sanitation regulations.
- (13) The permit issued pursuant to this Section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.
- (14) Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to a licensee to temporarily move from a location, such licensee shall comply with the notice. For purposes of this subsection, exigent circumstances shall

include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such locations, or a parade, demonstration, or other such event or occurrence at or near such location.

- (15) Any umbrella in a sidewalk café shall be no less than **six and one-half (6.5) feet** above ground level.
- (16) All sidewalk cafes shall be located only in the exact location described in the approved application. Approved furnishings may not be modified or substituted without additional approval.
- (17) A sidewalk café service area shall not extend more than **five (5) feet** from the permanent structure of the licensed premises; however, the service area may extend to no more than **ten (10) feet** if the conditions required in (C)(3) of this Section are still met by doing so.
- (18) The sale or service of alcoholic liquor pursuant to a Sidewalk Café Permit shall be done in accordance with all applicable State laws as to the sale or service of alcohol.

(D) **Annual Renewal.** All holders of a sidewalk café permit shall be subject to an annual renewal in accordance with **Chapter 21**.

(E) **Display of Sidewalk Café Permit.** A copy of the sidewalk café permit shall be displayed in accordance with this Chapter.

(F) **Sidewalk Café Permit Fee.** The annual fee for a sidewalk café permit shall be **One Hundred Dollars (\$100.00)** and said fee shall be in addition to the annual license fee. **(Ord. No. 1532; 06-14-11)**

ARTICLE III - REGULATIONS

21-3-1 HOURS. The hours of sale for retail liquor licenses shall be as follows:

Hours of Sale for All Licenses. It shall be unlawful for each designated license class to give or sell or offer for sale or gift or in any way provide any alcoholic liquors, spirits, beer, or wine in the City outside of the following hours:

Class A (Retail) Hours of Sale:

From Monday @ 6:00 A.M. to Tuesday @ 1:00 A.M.
 From Tuesday @ 6:00 A.M. to Wednesday @ 1:00 A.M.
 From Wednesday @ 6:00 A.M. to Thursday @ 1:00 A.M.
 From Thursday @ 6:00 A.M. to Friday @ 1:00 A.M.
 From Friday @ 6:00 A.M. to Saturday @ 1:00 A.M.
 From Saturday @ 6:00 A.M. to Sunday @ 1:00 A.M.
 From Sunday @ 12:00 Noon to Monday @ 1:00 A.M.

(Ord. No. 1516; 10-26-10) (235 ILCS 5/6-14)

Class B (Convenience Store) Hours of Sale:

From Monday @ 6:00 A.M. to Tuesday @ 1:00 A.M.
 From Tuesday @ 6:00 A.M. to Wednesday @ 1:00 A.M.
 From Wednesday @ 6:00 A.M. to Thursday @ 1:00 A.M.
 From Thursday @ 6:00 A.M. to Friday @ 1:00 A.M.
 From Friday @ 6:00 A.M. to Saturday @ 1:00 A.M.
 From Saturday @ 6:00 A.M. to Sunday @ 1:00 A.M.
 From Sunday @ 6:00 A.M. to Monday @ 1:00 A.M.

(Ord. No. 1471; 01-22-08)

Class C (Clubs) Hours of Sale:

From Monday @ 6:00 A.M. to Tuesday @ 1:00 A.M.
 From Tuesday @ 6:00 A.M. to Wednesday @ 1:00 A.M.
 From Wednesday @ 6:00 A.M. to Thursday @ 1:00 A.M.
 From Thursday @ 6:00 A.M. to Friday @ 1:00 A.M.
 From Friday @ 6:00 A.M. to Saturday @ 1:00 A.M.
 From Saturday @ 6:00 A.M. to Sunday @ 1:00 A.M.
 From Sunday @ 6:00 A.M. to Monday @ 1:00 A.M.

Class D (Packaged Liquor) Hours of Sale:

From Monday @ 6:00 A.M. to Tuesday @ 1:00 A.M.
 From Tuesday @ 6:00 A.M. to Wednesday @ 1:00 A.M.
 From Wednesday @ 6:00 A.M. to Thursday @ 1:00 A.M.
 From Thursday @ 6:00 A.M. to Friday @ 1:00 A.M.
 From Friday @ 6:00 A.M. to Saturday @ 1:00 A.M.
 From Saturday @ 6:00 A.M. to Sunday @ 1:00 A.M.
 From Sunday @ 6:00 A.M. to Monday @ 1:00 A.M.

Class E (Restaurants) Hours of Sale:

From Monday @ 6:00 A.M. to Tuesday @ 1:00 A.M.
 From Tuesday @ 6:00 A.M. to Wednesday @ 1:00 A.M.
 From Wednesday @ 6:00 A.M. to Thursday @ 1:00 A.M.
 From Thursday @ 6:00 A.M. to Friday @ 1:00 A.M.
 From Friday @ 6:00 A.M. to Saturday @ 1:00 A.M.
 From Saturday @ 6:00 A.M. to Sunday @ 1:00 A.M.
 From Sunday @ 6:00 A.M. to Sunday @ 10:00 P.M.

(Ord. No. 1557; 04-10-12)

Class F (Bowling Alley) Hours of Sale:

From Monday @ 6:00 A.M. to Tuesday @ 1:00 A.M.
 From Tuesday @ 6:00 A.M. to Wednesday @ 1:00 A.M.
 From Wednesday @ 6:00 A.M. to Thursday @ 1:00 A.M.
 From Thursday @ 6:00 A.M. to Friday @ 1:00 A.M.
 From Friday @ 6:00 A.M. to Saturday @ 1:00 A.M.
 From Saturday @ 9:00 A.M. to Sunday @ 1:00 A.M.
 From Sunday @ 12:00 Noon to 10:00 P.M.

Class G (Lake License) Hours of Sale:

Contingent upon any lease hours set for operation of the marina and Old Beach House.

Class H (Temporary) Hours of Sale:

Contingent upon individual event.

Class I (Grocery Store) Hours of Sale:

Mondays from 6:00 A.M. to 10:00 P.M.
 Tuesdays from 6:00 A.M. to 10:00 P.M.
 Wednesdays from 6:00 A.M. to 10:00 P.M.
 Thursdays from 6:00 A.M. to 10:00 P.M.
 Fridays from 6:00 A.M. to 10:00 P.M.
 Saturdays from 6:00 A.M. to 10:00 P.M.
 Sundays from 6:00 A.M. to 10:00 P.M.

(Ord. No. 1538; 07-12-11)

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

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

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

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

(B)

No retail licensee or employee or agent of such licensee shall:

- (1) Sell more than **one (1) drink** of alcoholic liquor for the price of **one (1) drink** of alcoholic liquor;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided by **235 ILCS 5/6-28.5**;
- (3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
- (5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (4).

(C) Permitted happy hours and meal packages, party packages, and entertainment packages.

- (1) As used in this Section:
 - (a) **"Dedicated event space"** means a room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.
 - (b) **"Meal package"** means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.
 - (c) **"Party package"** means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.
- (2) A retail licensee may:
 - (a) offer free food or entertainment at any time;
 - (b) include drinks of alcoholic liquor as part of a meal package;
 - (c) sell or offer for sale a party package only if the retail licensee:
 - (i) offers food in the dedicated event space;
 - (ii) limits the party package to no more than **three (3) hours**;
 - (iii) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - (iv) excludes individuals not participating in the party package from the dedicated event space;
 - (d) include drinks of alcoholic liquor as part of a hotel package;
 - (e) negotiate drinks of alcoholic liquor as part of a hotel package;
 - (f) provide room service to persons renting rooms at a hotel;
 - (g) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
 - (h) advertise events permitted under this Section;
 - (i) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (i) restricts dates of operation to dates during which there is an event at an adjacent stadium, (ii) restricts hours of serving alcoholic liquor to **two (2) hours** before the event and **one (1) hour** after the event, (iii) restricts alcoholic liquor sales to beer and wine, (iv) requires tickets for admission to the establishment, and (v) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
 - (j) discount any drink of alcoholic liquor during a specified time period only if:

- (i) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
- (ii) the period of time during which any drink of alcoholic liquor is discounted does not exceed **four (4) hours** per day and **fifteen (15) hours** per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
- (iii) the drink of alcoholic liquor is not discounted between the hours of **10:00 P.M.** and the licensed premises' closing hour; and
- (iv) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least **seven (7) days** prior to the specified time.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by **Article IV** of this Chapter. **(235 ILCS 5/6-28)**

21-3-3 PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. **(See 235 ILCS 5/6-11(E))**

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

21-3-5 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of schoolbooks, school supplies, food, lunches, or drinks for such minors. **(See 235 ILCS 5-6-12)**

21-3-6 TRANSPORTING, ETC., IN MOTOR VEHICLES. No person shall, within this Municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 **OPEN LIQUOR – CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a “cup-to-go”.

21-3-8 **LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein; or
- (B) If such vehicle contains at least **one (1) occupant** over **twenty-one (21) years of age.**

21-3-9 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the Municipality in violation of the restrictions of the Zoning Code. (**See Chapter 40 – Zoning Code**)

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

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

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

23-3-12 **UNLAWFUL ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees [**topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward**], or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

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

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

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

- (C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;
- (D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;
- (E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

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

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

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

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

21-3-17 GAMBLING.
(A) Definitions.

- (1) **"Gambling device"** means any clock, tape machine, slot machine or other machines or device for the reception of money or other thing 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. The term "gambling device" does not include:
- (a) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation 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.
- (b) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.
- (c) **A Crane Game.** For the purposes of this paragraph, a "crane game" is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than **Twenty-Five Dollars (\$25.00)**.
- (d) **A Redemption Machine.** For the purposes of this paragraph, a "redemption machine" is a single-player or multi-player

amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all of the following conditions are met:

- (i) The outcome of the game is predominantly determined by the skill of the player.
- (ii) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.
- (iii) Only merchandise prizes are awarded.
- (iv) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed **Twenty-Five Dollars (\$25.00)**.
- (v) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device.

(2) **"Licensee"** means any "person" as defined in **Section 1-1-15** of this Code who is granted a license pursuant to this **Chapter 21**.

(3) **"Video Gaming Terminal"** means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.

(B) Unless otherwise provided for in paragraph (C) of this Section:

- (1) It is unlawful to keep, place, maintain, or operate any gambling device in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away.
- (2) It shall be unlawful for any licensee, or his agent and/or employee to give or award a cash prize or equivalent to any person playing any gambling device.

(C) Notwithstanding paragraph (B) of this Section, video gaming terminals shall be permitted in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away if each of the following conditions is first met:

- (1) The use and placement thereof is in compliance with the provisions of the Video Gaming Act, as now existing or hereafter amended; and
- (2) The use and placement thereof is in compliance with the provisions of all rules promulgated by the Illinois Gaming Board pursuant to the Illinois Administrative Procedure Act; and
- (3) The licensee or agent of the licensee:
 - (a) Files with the City Clerk a copy of the licensee's written use agreement with the terminal operator for placement of the video gaming terminals and a copy of the license issued by the Illinois Gaming Board; and
 - (b) Pays to the City of Hillsboro an annual fee of **Two Hundred Fifty Dollars (\$250.00)** for each video gaming terminal upon the premises. (**Ord. No. 1726; 03-08-22**)

(D) No video gaming terminal that is permitted under the provisions of paragraph (C) of this Section may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment.

(E) No licensee shall cause or permit any person under the age of **twenty-one (21) years** to use or play a video gaming terminal that is permitted under the provisions of paragraph (C) of this Section.

(F) It shall be unlawful for any licensee, or his agent and/or employee, to permit or allow anyone to play for money, or other valuable thing, at any game with cards, dice or chips, or with any other article, instrument or other thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing or article of value, or to bet on any game others may be playing, upon any premises licensed under this Article, unless otherwise properly licensed to do so by the State of Illinois.

(Ord. No. 1558; 04-24-12)

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

21-3-19 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(See 235 ILCS 5/6-16)**

21-3-20 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of **eighteen (18) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any Class "A" or "B" licensed retail premises. In a Class "C" or "D" licensed business, a person may serve if he is **eighteen (18) years** of age or older. **(See 235 ILCS 5/4-1)**

21-3-21 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of **eighteen (18) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" license unless accompanied by a parent or legal guardian. No holder of a Class "A" license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **eighteen (18) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this Section, any holder of a Class "A" license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **eighteen (18) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **eighteen (18) years** is that person's parent or legal guardian. **(See 235 ILCS 5/4-1)**

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

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

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

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

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

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

UNDERAGE LIQUOR WARNING

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

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

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

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

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

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(See 235 ILCS 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold

subject only to the conditions and limitations established by law and applicable alike to all citizens. **(See 235 ILCS 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(See 235 ILCS 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor or no liquor shall be sold except in original packages. **(See 235 ILCS 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(See 235 ILCS 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the Commissioner on the grounds of nonuse. **(See Good vs. Thomas 31 Ill. App. 3d 674, 1975)**

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

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

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

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

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

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

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

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

21-3-34 **RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(See 235 ILCS 5/6-16)**

21-3-35 **OUTDOOR DINING.** A holder of a Class "E" License (Restaurants) shall be permitted to have outdoor dining in a facility no larger than **fifty percent (50%)** of the indoor dining area. Said facility shall have an entrance through the interior of the restaurant, shall have a railing consistent with the Illinois Building Code, with an emergency exit, to prevent entry from the outside. No more than **thirty percent (30%)** of gross sales in the outdoor facility may be from alcoholic liquor. The licensee shall make its records available for inspection by the Liquor Commissioner or the City Police at all reasonable times to assure compliance. No live music shall be permitted in the outdoor area after **11:00 P.M.**, and there shall be no excessive noise emitted from the outdoor area. **(Ord. No. 1446; 09-12-06)**

21-3-36 **ALCOHOLIC LIQUOR IN CITY BUILDINGS.** The consumption of alcoholic liquor in municipal-owned buildings and the surrounding grounds shall be allowed if the municipal building is rented to a tenant who operates a business wherein the consumption of alcohol would regularly be a part of said tenant's business.

Any tenant of a municipal-owned building who wishes to sell alcohol to the public for consumption must obtain a valid liquor license, obtain dram shop insurance, and obtain liability insurance in an amount commensurate with the City's request, and provide the City with proof of the same. **(Ord. No. 1625; 08-25-15)**

21-3-37 **BASSET TRAINING REQUIRED.**

(A) For all licenses issued on or after **October 1, 2016** and all original or renewal applications for Classes "A" to "G" liquor licenses shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purpose of alcoholic beverages, pursuant to that license.

(B) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by **235 ILCS 5/3-12(11.1)** and **6-27** and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(C) After **October 1, 2016**, any new owner, manager, employee, or agent requiring BASSET training, shall within **ninety (90) days** from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(D) A photo copy of certificate of completion for all owners, managers, employees, or agents required by this Section to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(E) The City will honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(See 235 ILCS 5/10-2)**

21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(See 235 ILCS 5/10-3)**

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

21-4-4 REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(See 235 ILCS 5/10-5)**

21-4-5 MISBRANDING. Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(See 235 ILCS 5/10-6)**

21-4-6 ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(See 235 ILCS 5/10-7)**

21-4-7 USE OF PREMISES FOR ONE (1) YEAR AFTER REVOCATION. When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(See 235 ILCS 5/7-13)**

21-4-8 **REVOCATION OF LICENSES.** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for any violation of any State law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

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

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

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

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

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(See 235 ILCS 5/4-4)**

21-4-9 **COMPLAINTS BY RESIDENTS.** Any **five (5) residents** of the Municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

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

21-4-10 **REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING.** The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act**, any valid ordinance adopted by the Municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

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

(B) **Revocation and Suspension; Notice.** However, no such license shall be so revoked or suspended, and no licensee shall be fined except after a public hearing the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor

Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice 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.

(C) **Hearing.** The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(See 235 ILCS 5/7-5)**

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

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

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month** period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month** period. **(See 235 ILCS 5/7-9)**

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the Municipality from State Commission. **(See 235 ILCS 5/7-9)**

(Ord. No. 1324; 03-27-01)

APPLICATION FOR CITY LIQUOR RETAILER'S LICENSE

TO: Mayor
City of Hillsboro
447 S Main St
Hillsboro, IL 62049

The undersigned hereby make(s) application for the issuance of a City retailer's license for the sale of alcoholic liquor for the term beginning _____, 20____, and ending _____, 20____, and hereby certify(ies) to the following facts:

- 1) Applicant's full name _____
(If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted:

- 2) Location of place of business for which license is sought _____
A) _____
Exact address by street and number/zip code
B) _____
(Full description of location, place or premises, specifying floor, room, etc.)
- 3) State principal kind of business _____
- 4) Class of license applied for _____
- 5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? _____
If so, are premises:
A) Maintained and held out to the public as a place where meals are actually and regularly served? _____
B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? _____
- 6) Does applicant own premises for which this license is sought? _____
- 7) Has applicant a lease on such premises covering the full period for which the license is sought? _____ If so, attach copy.
- 8) Is applicant licensed as a food dispenser? _____
- 9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? _____
- 10) Is any law enforcing public official, mayor, trustee, member of the board of trustees, or any president or member of a county board directly interested in the business for which this license is sought? _____
- 11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? _____

- 12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? _____

 If so, at what location or locations? _____
- 13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? _____
 If so, at what location or locations? _____
- 14) Will the business be conducted by a manager or agent? _____
 If so, give name and residence address of such manager or agent:
 Name _____
 Address _____
- 15) Do you hold any other current business licenses issued by the City? _____ If so, what type of license do you currently hold and what is the address of the licensed premises?
 (Type) _____
 (Address) _____

Individual Applicant:

- 16) A) Name _____
 Date of birth _____

 Month/Day/Year
- B) Residence address _____

 (give street and number)
 Telephone number _____
- C) Place of birth _____
- D) Are you a citizen of the United States? _____
 If a naturalized citizen, when naturalized? _____

 Month/Day/Year
 Where naturalized? _____

 (City and State)
 Court in which (or law under which) naturalized _____

- E) Have you ever been convicted of any felony under any Federal or State law?

 If so, give date and state offense _____
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
 If so, give dates and state offense _____
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
 If so, give dates and state offense _____
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____
- I) Have you made application for other similar license for premises other than described in this application? _____
 If so, give date, location of premises and disposition of application _____

- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

Co-partnership/Corporate Applicant:

- 17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)
Date of birth _____
Month/Day/Year
- B) Residence address _____
(City and State)
- Telephone number _____
- C) Place of birth _____
Month/Day/Year
- D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(City and State)
Court in which (or law under which) naturalized _____
- E) Have you ever been convicted of any felony under any Federal or State law? _____
If so, give date and state offense _____
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
If so, give dates and state offense _____
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
If so, give dates and state offense _____
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____
- I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____
- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

APPENDIX IV

AFFIDAVIT

STATE OF ILLINOIS)
) **SS**
COUNTY OF MONTGOMERY)

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the City of Hillsboro or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this _____ day of _____, 20____.

(Signature of Applicant)

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CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT

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

22-1-2 PROGRAM PURPOSE AND DEFINITIONS.

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

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

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

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

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

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

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

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

- (A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**
 - (1) Report of fraud accompanying a credit report;
 - (2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
 - (3) Notice or report from a credit agency of an active duty alert for an applicant; and
 - (4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.
- (B) **Suspicious Documents; Red Flags.**
 - (1) Identification document or card that appears to be forged, altered or inauthentic;
 - (2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
 - (3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
 - (4) Application for service that appears to have been altered or forged.
- (C) **Suspicious Personal Identifying Information; Red Flags.**
 - (1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
 - (2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
 - (3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 - (4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
 - (5) Social security number presented that is the same as one given by another customer;
 - (6) An address or phone number presented that is the same as that of another person;
 - (7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
 - (8) A person's identifying information is not consistent with the information that is on file for the customer.
- (D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**
 - (1) Change of address for an account followed by a request to change the account holder's name;
 - (2) Payments stop on an otherwise consistently up-to-date account;
 - (3) Account used in a way that is not consistent with prior use (example: very high activity);
 - (4) Mail sent to the account holder is repeatedly returned as undeliverable;
 - (5) Notice to the Utility that a customer is not receiving mail sent by the Utility;
 - (6) Notice to the Utility that an account has unauthorized activity;
 - (7) Breach in the Utility's computer system security; and
 - (8) Unauthorized access to or use of customer account information.

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

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

22-1-4 DETECTING RED FLAGS.

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

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

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

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

22-1-5 PREVENTING AND MITIGATING IDENTITY THEFT.

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

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

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

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

- (7) Require and keep only the kinds of customer information that are necessary for utility purposes.

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

22-1-7 **PROGRAM ADMINISTRATION.**

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

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

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

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

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

ARTICLE II - USE OF SOCIAL SECURITY NUMBERS

22-2-1 DEFINITIONS.

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

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

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

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

22-2-2 PROHIBITED ACTIVITIES.

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

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

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

- (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security Number is documented before collection of the Social Security Number; and (iii) the Social Security Number collected is relevant to the documented need and purpose.
- (2) Require an individual to use his or her Social Security Number to access an Internet website.
- (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.

- (C) The prohibitions in subsection (B) do not apply in the following circumstances:
- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the City or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the City must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy on the City to protect an individual's Social Security Number will be achieved.
 - (2) The disclosure of Social Security Numbers pursuant to a court order, warrant, or subpoena.
 - (3) The collection, use, or disclosure of Social Security Numbers in order to ensure the safety of: City employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a City facility.
 - (4) The collection, use, or disclosure of Social Security Numbers for Internal verification or administrative purposes.
 - (5) The collection or use of Social Security Numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.
- (D) Any standards of the City for the collection, use, or disclosure of Social Security Numbers that are stricter than the standards under this Policy with respect to the protection of those Social Security Numbers, then, in the event of any conflict with the provisions of this Policy, the stricter standards adopted by the City shall control.

22-2-3 PUBLIC INSPECTION AND COPYING OF DOCUMENTS. Notwithstanding any other provision of this policy to the contrary, all officers and employees of the City must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security Number. All officers and employees of the City must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

22-2-4 APPLICABILITY.

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

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

22-2-5 COMPLIANCE WITH FEDERAL LAW. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the City shall follow that law.

22-2-6 **EMBEDDED SOCIAL SECURITY NUMBERS.** Beginning immediately on the effective date of the City's authorizing Ordinance, no officer or employee of the City may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

22-2-7 **IDENTITY--PROTECTION REQUIREMENTS.**

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

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

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

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

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

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

22-2-8 **PENALTY.** Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

22-2-9 **AMENDMENT OF PRIVACY POLICY.** The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the City Council as the City Council shall deem necessary in its sole discretion in order to maintain the City's compliance with the Illinois Identity Protection Act as now or hereafter amended.

22-2-10 **CONFLICT WITH STRICTER LAWS.** This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

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

ARTICLE III - FREEDOM OF INFORMATION POLICY

22-3-1 PUBLIC RECORDS AVAILABLE. To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the City shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

22-3-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.

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

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

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

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

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

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

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

22-3-4 REQUESTS TO INSPECT OR COPY. All requests to inspect or copy records or documents prepared, maintained or under the control of the City shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial

purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the City.

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

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

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

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

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

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

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

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

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

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

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

22-3-6 **FEES.** The City Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-3-7 **PUBLIC FILE.** The City Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-3-8 **GRANTING OR DENIAL OF REQUESTS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the City. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the City and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the City. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-3-9 **CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-3-10 **NOTICE OF DENIAL OF REQUEST; APPEALS.**
(A) If the City denies the request, the City shall notify the person making the request in writing of:

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

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

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

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

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

ARTICLE IV - FAIR HOUSING CODE

22-4-1 **DECLARATION OF POLICY.**

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

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

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

22-4-2 **DEFINITIONS.** Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

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

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

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

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

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

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

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

22-4-3 **PROHIBITED ACTS.** It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

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

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

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

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

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

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

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

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

22-4-4 **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Fifteen Hundred Dollars (\$1,500.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City to specifically enforce, by any legal means, any of the provisions of this Code.

(Ord. No. 1613; 04-28-95)

(65 ILCS 5/11-11.1-1)

ARTICLE V – INVESTMENT POLICY

22-5-1 **INVESTMENT POLICY.** It is always prudent for any governmental entity to have an Investment Policy in place for the purpose of safeguarding funds, equitable distributing the investments and maximizing income. The following policy is adopted for the City.

22-5-2 **SCOPE OF INVESTMENT POLICY.** This Investment Policy applies to the investment activities of all funds under the jurisdiction of the Commissioner of Accounts and Finances. This Investment Policy will also apply to any new funds or temporary funds placed under the jurisdiction of the Commissioner of Accounts and Finances. The Illinois Compiled Statutes will take precedence except where this policy is more restrictive.

22-5-3 **OBJECTIVES.** The purpose of this Investment Policy is to establish cash management and investment guidelines for the stewardship of public funds under the jurisdiction of the Commissioner of Accounts and Finances. The specific objectives of this Investment Policy are as follows:

- (A) Safety of principal.
- (B) Diversity of investments to avoid unreasonable risks.
- (C) The portfolio shall remain sufficiently liquid to meet all operating costs which may be reasonably anticipated.
- (D) The highest interest rate available will always be the objective of this policy combined with safety of principal, which is left to the discretion of the Commissioner of Accounts and Finances, which includes whether or not the Commissioner of Accounts and Finances will require collateralization of any deposits.
- (E) In maintaining its investment portfolio, the Commissioner of Accounts and Finances shall avoid any transaction that might impair public confidence.
- (F) The Commissioner of Accounts and Finances will give consideration to the financial institution's positive community involvement when consideration is given to the financial institution to be used as a depository.
- (G) All funds will be vested for a period of **one (1) day** or longer, depending on the requirement for the disbursement of funds.
- (H) All funds shall be deposited within **two (2) working days** at prevailing rates or better in accordance with Illinois Compiled Statutes.

22-5-4 **RESPONSIBILITY.** All investment of the funds under the control of the City Treasurer is the direct responsibility of the City Treasurer. The City Clerk shall be responsible for all transactions and shall establish a system of controls of the activities of the subordinates who are directly involved in the assistance of such investment activities.

22-5-5 **ACCOUNTING.** All investment transactions shall be recorded by the City Clerk or Treasurer. A report will be generated at least monthly by listing all active investments. This report will be made available to the City Council.

22-5-6 **FINANCIAL INSTITUTIONS.** The City Council will have the responsibility to select which financial institutions will be depositories for the City funds.

The City Council will take into consideration security, size, location, condition, service, fees and the community relations involvement of the financial institution when choosing a financial institution.

At no time will the City investments exceed **sixty-five percent (65%)** of the financial institution's capital and surplus.

All financial institutions having any type of financial relationships; deposits, investment, loans, etc., are required to provide a complete and current "Call Report" required by their appropriate regulatory authority each calendar quarter within **thirty (30) days** of the "Call" request date.

22-5-7 **INVESTMENT VEHICLES.** The Commissioner of Accounts and Finances will use investments approved for governmental units as set forth in the most current issue of the Illinois Compiled Statutes including Securities Exchange Commission registered and AAA rated by Moody's and Standard & Poor's money market mutual funds consisting of U.S. Government Treasuries.

22-5-8 **COLLATERAL.** It shall be at the discretion of the Commissioner of Accounts and Finances to determine whether or not collateral will be required of financial institutions receiving funds.

At all times, the Commissioner of Accounts and Finances will require that deposits in excess of **ten percent (10%)** of the capital and surplus of a financial institution will be collateralized. The Commissioner of Accounts and Finances may request collateral for any part of deposits in financial institutions when the Commissioner of Accounts and Finances determines it to be in the best interests of safeguarding the funds on deposit.

When collateral is required, **one hundred five percent (105%)** of the deposit will be required. Only the following collateral will be accepted:

- (A) U.S. Government direct securities.
- (B) Obligations of Federal Agencies.
- (C) Obligations of Federal Instrumentalities.
- (D) Obligations of the State of Illinois.
- (E) Acceptable Collateral as identified in the Illinois Compiled Statutes for use by the

Treasurer of the State of Illinois.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, and not for speculation, but for investment, considering the probable safety of their capital as well as the possible income to be derived.

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

22-5-9 **SECURITY CONTROLS.** The Commissioner of Accounts and Finances is authorized to establish financial accounts for the City with the advice and consent of the City Council. At all times the Commissioner of Accounts and Finances will be authorized to sign on financial accounts of the City.

(Ord. No. 1289; 12-14-99)

ARTICLE VI – ETHICS CODE

22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by **5 ILCS 430/70-5**.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.

(E) For the purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in **5 ILCS 430/70-5(c)**.

(F) The penalties for violations of this Section shall be the same as those penalties set forth in **5 ILCS 430/50-5** for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.

(Ord. No. 1384; 05-11-04)

ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 **ADOPTION OF CODES.** The City hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K) **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-7-2 **NON-DISCRIMINATORY PRACTICES.** The City will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-7-3 **CONTRACTING WITH NON-COMPLAINTS.** The City will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(A) The City will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:
- (a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
 - (b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
 - (c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
 - (d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
 - (e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.
 - (f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain

compliance with the Act and the Department's Rules and Regulations.

- (g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-7-4 **OUTREACH TO ALL.** The City assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-7-5 **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the City as well as surrounding areas.

22-7-6 **ACCOMMODATIONS FOR DISABLED.** The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-7-7 **COMPLIANCE BY EMPLOYEES.** All City employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out City program activities.

22-7-8 **DESIGNATED ENFORCERS.** The City designates the Mayor and the City Council to carry out the EEO/AA plan.

(Ord. No. 1612; 04-28-15)

ARTICLE VIII - DRUG FREE WORKPLACE

22-8-1 **DEFINITIONS.**

- (A) **"Drug Free Workplace"** means any place for the performance of work for or on behalf of the City, done by an employee of the City, or an employee of a contractor or subcontractor performing work for the City.
- (B) **"Employee"** as used within the meaning of this Article, means an employee of the City as well as an employee of a contractor or subcontractor performing work for the City.
- (C) **"Controlled Substance"** means a controlled substance as defined in the Illinois Controlled Substance Act, **720 ILCS 570/100 et seq.** (1992 State Bar Edition) or Cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.** (1992 State Bar Edition).
- (D) **"Conviction"** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with determining violations of the Federal or State criminal drug statutes.
- (E) **"Criminal Drug Statute"** means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- (F) **"State"** means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative, or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; or administrative units or corporate outgrowths, of the State government which are created by or pursuant to statute.

22-8-2 **REQUIREMENTS FOR CITY.** The City shall provide a drug free workplace by:

- (A) **Publishing a Statement.**
 - (1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace.
 - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
 - (3) Notifying employee that, as a condition of employment, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than **five (5) days** after such conviction.
- (B) Establishing a drug free awareness program to be administered by a person appointed by the Mayor to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the City's policy of maintaining a drug free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) the penalties that may be imposed upon employees for drug violations.
- (C) A copy of the statement required by Subsection (A) above shall be given to each employee and posted in a prominent place in the workplace.
- (D) If the City receives a grant from the State or Contract for the procurement of any property or services from the State, then the City shall notify the contracting or granting agency within **ten (10) days** after receiving notice under part (b) of paragraph (3) of Subsection (A) from an employee or otherwise receiving actual notice of such conviction.
- (E) Within **thirty (30) days** from receiving notice from an employee of a conviction of a violation of a criminal drug statute occurring in the workplace, the Mayor shall take action against such employee as may be appropriate as determined by the Mayor and which may include but is not limited to reprimand; suspension for any length of time with or without pay; termination from

employment; and/or a requirement to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(F) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

(G) Making a good faith effort to continue to maintain a drug free workplace through implementation of this Section.

ARTICLE IX – POLICY PROHIBITING SEXUAL HARASSMENT

22-9-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this City to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-9-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

- (A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
 - (1) Submission to such conduct is made a term or condition of an individual’s employment, either explicitly or implicitly; or
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (3) Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
- (B) Conduct which may constitute sexual harassment includes:
 - (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
 - (2) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.
 - (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
 - (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
 - (5) **Textual/Electronic.** “Sexting” (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).
- (C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

22-9-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible

by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

- (1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the Municipality.
The employee experiencing what she/he believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.
- (3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **three hundred (300) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within **three hundred (300) days**.
- (4) **Allegations Made Against an Elected Official by Another Elected Official.** In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the city manager or administrator or the chief elected official of the municipality. The official receiving the request shall take immediate action in keeping with the procurement process of the municipality to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-9-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal office shall take any retaliatory action against any municipal employee or official due to a municipal employee's or official's:

- (1) Disclosure or threatened disclosure of any violation of this policy; or
- (2) Providing information related to an investigation or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or
- (3) Assistance with or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's or official's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against, even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (**5 ILCS 430/15-10**) provides whistleblower protection from retaliatory action, and this policy prohibits retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any officer, member, agency or other employee that the employee reasonably believes is in violation of a law, rule, or regulation; or
- (2) Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule or regulation by any officer, member, agency or other employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.

(E) Pursuant to the Whistleblower Act (**740 ILCS 174/15(a)**), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, before a legislative commission or committee or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule or regulation. (**740 ILCS 174/15(b)**).

(F) According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge within **three hundred (300) days** of the alleged retaliation.

22-9-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Five Thousand Dollars (\$5,000.00)** per offense, applicable disciplinary actions or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a

separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-9-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the Illinois State Police, a State's Attorney, the Attorney General or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Five Thousand Dollars (\$5,000.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

ARTICLE X – STANDARDS OF ETHICAL CONDUCT TO ADDRESS FRAUD, WASTE AND ABUSE

22-10-1 POLICY. In the spirit of sound and ethical governance and other applicable laws and regulations, the City believes that the ethical conduct of those in public service is of utmost importance. This policy is set forth in order to address fraud, waste and abuse in City government and establishes reasonable standards of ethical conduct for all City employees and officers. It is the intent of this policy to establish minimum expectations relative to employee and officer behavior and conduct in the execution of their duties as representatives of the City.

22-10-2 SCOPE. This policy applies to all City employees and officers (hereinafter “employees”). This policy is not intended to be all-inclusive or address every possible eventuality or circumstance. Instead, it is intended to establish reasonable standards and provide guidance relative to the ethical conduct of City employees while fulfilling the expectations of City residents.

22-10-3 INTERPRETATION. This policy does not supplant any of the City’s labor contracts or Memoranda of Understanding (MOUs). Should this policy conflict with any law, regulation, or labor contract of which the City or its employees may be subject, that law, regulation, or contract shall take precedence. In the event this policy conflicts with any precedent or past practice of the City, management will resolve that conflict by means consistent with established procedures or practices.

22-10-4 DEFINITIONS.

(A) **Fraud, Waste and Abuse.** Any illegal, wasteful, or improper activity involving City assets or resources. It includes theft by means of deception, deceit or trickery; willful misrepresentation to obtain something of value; and the extravagant, careless or needless expenditure or consumption of City resources, whether intentional or not.

(B) **Fraud.** Theft by means of deception, deceit or trickery. Examples include but are not limited to forging or altering a City warrant or check; charging personal expenses to the City; or claiming overtime when not worked.

(C) **Waste.** The unnecessary or pointless consumption of resources, time or labor. Examples include but are not limited to using more of something when less will do; performing tasks that do not need to be performed; or maintaining excessive inventories.

(D) **Abuse.** Misuse of power, authority or control. Examples include but are not limited to using one’s authority to direct employees to perform non-City related work; causing employees to work overtime without compensation; or using City assets for non-City business without proper permission.

Additional definitions of terms to fraud, waste and abuse include:

(E) **Asset.** Anything of value, whether tangible or intangible. Examples include, but are not limited to cash, tools, equipment, fuel, office supplies and time.

(F) **Conflict of Interest.** Any circumstance in which the interests, duties, obligations or activities of an employee or an employee’s immediate family member are in conflict or incompatible with the interests of the City, the duties and obligations of the employee, or his or her capacity as an employee. Examples include but are not limited to: City employees bidding on City contracts; influencing City policy or activities for personal gain; or disclosing confidential City information to a friend or relative in order to assist them or benefit themselves.

(G) **Employee.** Any individual classified by the City as a full-time, part-time, seasonal, temporary full-time, temporary part-time, or per diem employee or officer of the City.

(H) **Gifts.** Any payment or item that gives a personal benefit to the recipient to the extent that something of equal or greater value is not received and includes a discount or rebate, unless the discount or rebate is available to all members of the public.

(I) **Immediate Family.** A spouse or dependent child of the employee.

- (J) **Reasonable Person.** Any person of average competence and ability to reason.
- (K) **Third Party.** Any person or entity other than an employee of the City or the City itself.

22-10-5 EXPECTATIONS. City employees shall adhere to and uphold this policy both in practice and in spirit. It is expected that employees act in the public’s interest first and not their own. It is further expected that their behavior, both on the job and off, reflects positively on the City, its reputation, and its employees. Pursuant to this policy, an employee’s duties and responsibilities include, but are not limited to:

(A) **Duty to Protect the Reputation of the City.** It is the duty of every employee to uphold and protect the good reputation of the City and his or her fellow workers.

(B) **Duty to Obey the Law.** It is the responsibility of every employee to obey the law in the execution of his or her duties. Ignorance of the law or a particular regulation may not be considered an excuse for committing a violation or oversight.

(C) **Duty to Comply with City Policies.** It is the responsibility of every employee to comply with all City policies.

(D) **Conflicts of Interest Must be Avoided.** In the broadest sense of the meaning, no employee shall engage in a behavior that may appear to be or give rise to a conflict of interest between him or herself and that employee’s official capacity or duties. Should a conflict of interest arise, the employee involved shall report it in the manner described below.

(E) **Disqualification from Acting on City Business.** An employee shall disqualify him or herself and shall not act on any matter in which he or she, a member of his or her immediate family, or another employer of the employee has a financial interest.

(F) **Prohibition of Certain Financial Interest or Activity.** No employee, regardless of any prior disclosure, who has a material interest, personally or through a member of his or her immediate family, in any business entity doing or seeking to do business within the City shall influence or attempt to influence the selection of the business entity or the making of a contract between such business entity and the City. Employees may not have financial interests in contracts.

(G) **Solicitation of Gifts or Loans is Prohibited.** No employee shall solicit anything of monetary value (even such things which might be returned or repaid) if it would appear to have been solicited with intent of obtaining something in return. Nothing shall prohibit contributions of gifts including political contributions, which are reported in accordance with applicable law or which are accepted on behalf of the City.

(H) **Gifts in Excess of the \$300 Annual Gift Limitation Amount are Prohibited.** No employee or family member of an employee shall accept gifts that exceed an aggregate value of the adjusted annual gift limitation amount in accordance with Government Code in any **twelve (12) consecutive months** from an individual or entity that is doing business with the City.

(I) **Improper Disclosure of Privileged, Personal or Confidential Information.** Unless expressly authorized, no employee shall intentionally disclose privileged, personal or confidential information obtained as a result of, or in connection with, his or her employment with the City for any purpose. Privileged, personal or confidential information does not include information that is a matter of public knowledge or that is available to the public on request. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state and federal constitutions as well as labor or other applicable laws.

(J) **Improper Using One’s City Employment.** No employee shall use or permit the use of any City assets for a non-City purpose that is for the private benefit of the employee or any other person unless available on equal terms to the general public.

(K) **Improper Influence.** No employee, except in the course of his or her official duties, shall assist any person in any transaction with the City when such employee’s assistance would appear to a reasonable person to be enhanced by that employee’s position with the City for their own personal benefit. This subsection shall not apply to any employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest, if not otherwise prohibited by law.

(L) **Duty to Identify, Report and Work to Eliminate Fraud, Waste and Abuse.** It is the responsibility and duty of every employee to identify, report and work to eliminate fraud, waste and abuse at all levels of the City administration and operations. Employees are encouraged to bring to the attention of management any opportunity to reduce or eliminate fraud, waste and abuse.

(M) **Duty to Cooperate.** It is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the City's request, an employee will participate and fully cooperate in any investigation. This policy does not preclude an employee from exercising his or her Constitutional rights or those afforded to him or her by a City recognized labor contract. However, the exercising of one's rights does not preclude City from disciplining an employee for his or her failure to participate or cooperate in an investigation if the City may lawfully do so.

(N) **Handling of Anonymous Complaints or Allegations of Violations of this Policy.** Employees are prohibited from attempting to identify or intentionally exposing the identity of any party making an anonymous report or complaint pursuant to this policy.

22-10-6 REPORTING. Employees are expected to report all violations or suspected violations of this policy to management in a timely and professional manner. The City recognizes that the reporting party may desire or require anonymity. Thus, anonymous reports or concerns may be reported by any party to the City President or the City Trustees. It is the duty of every employee to report any known violation of this policy or what would appear to a reasonable person to be a violation of this policy. Employees are reminded that they may report anonymously any actions that detract from the efficiency and effectiveness of City operations include, but not limited to, fraud, waste, abuse, ethics violations, retaliation, discrimination and safety violations. It is a violation of this policy to retaliate against an employee who makes a report anonymously under Illinois Labor Code. The Illinois State Attorney General's Whistleblower Hotline number is (888) 814-4646.

22-10-7 INVESTIGATION AND ENFORCEMENT. All violations or alleged violations of this policy will be investigated. As stated above, it is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the request of the City, an employee will participate and fully cooperate in any investigation, whether conducted by the City or its agent(s). If as a result of good faith investigation and a resultant reasonable conclusion that a violation of this policy has occurred, the offending employee may be subject to disciplinary action up to and including termination.

ARTICLE XI – WHISTLEBLOWER PROTECTION POLICY

22-11-1 PURPOSE. The City provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must submit a written report to the Auditing Official within **sixty (60) days** of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

22-11-2 DEFINITIONS.

(A) **Whistleblower** means an employee, as defined in this Section, of the City who:

- (1) reports an improper governmental action as defined under **50 ILCS 105/4.1** (hereinafter Section 4.1);
- (2) cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(B) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the City whose duties may include receiving, registering, and investigating complaints and information concerning misconduct, inefficiency and waste within the City; investigating the performance of officers, employees, functions and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the City.

The Auditing Official shall be the Mayor until replaced by the City.

(C) **Employee** means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1.

(D) **Improper governmental action** means any action by an employee of the City; an appointed member of a board, commission, or committee; or an elected official of the City that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee’s, elected official’s, board member’s, commission member’s or committee member’s official duties to be subject to claim of “improper governmental action.”

(1) Improper governmental action does not include the City’s personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(E) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee’s employment status or the terms and conditions of employment that results from an employee’s protected activity under Section 4.1. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantial letters of reprimand or unsatisfactory performance

evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under Section 4.1.

22-11-3 DUTIES OF AN AUDITING OFFICIAL. Each Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints filed under Section 4.1. Each Auditing Official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures, and all other provisions of Section 4.1.

The Auditing Official must provide each employee a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

22-11-4 DUTIES OF AN EMPLOYEE. All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

22-11-5 DEFEND TRADE SECRETS ACT (18 U.S.C. § 1836) COMPLIANCE. Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(A) **Immunity.** An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that (1) is made (a) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (b) solely for the purpose of reporting or investigating a suspected violation of law; or, (2) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(B) **Use of Trade Secret Information in Anti-Retaliation Lawsuit.** An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual (1) files any document containing the trade secret under seal; and (2) does not disclose the trade secret, except pursuant to court order."

22-11-6 EMPLOYEE ACKNOWLEDGEMENT. Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the City. The form that follows on **Addendum "A"** will satisfy this requirement upon receipt.

ADDENDUM "A"

EMPLOYEE ACKNOWLEDGEMENT OF WHISTLEBLOWER PROTECTION POLICY

I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of the City.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about this Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official.

Print Name: _____

Employee Signature: _____

Date: _____

CHAPTER 23 – MANUFACTURED HOUSING CODE

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CHAPTER 23

MANUFACTURED HOUSING CODE

ARTICLE I – GENERAL PROVISIONS

23-1-1 **DEFINITIONS.** The terms used in this Code shall have the following meanings:

"AFFIDAVIT" means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

"APPLICANT" means any person making application for a license or permit.

"CORPORATE AUTHORITIES" shall mean the Mayor and the City Council.

"IMMOBILIZED MANUFACTURED HOME": As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and to affix to a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location.

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

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

"MANUFACTURED HOME" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a **"manufactured home"**, but shall be an **"immobilized manufactured home"**. A manufactured home should not be confused with a **"camping trailer"** or **"recreational vehicle"**. **(See 210 ILCS Sec. 115/2.10)**

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

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

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

"MANUFACTURED HOME LOT": See Section 40-2-2.

"MANUFACTURED HOME PAD": See Section 40-2-2.

"MANUFACTURED HOME PARK" means a tract of land or **five (5)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(See 210 ILCS Sec. 115/2.5)**

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

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

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

"MOBILE HOME" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **"mobile home"** shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**.

"MODULAR HOME": A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (IBC). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate. **(See Section 40-2-2)**

"OWNER" or "OPERATOR" means the licensee.

"PERMANENT FOUNDATION": A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

"PERMANENT HABITATION" means a period of **two (2) or more months**.

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

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

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

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

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

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

(See Section 40-2-2 for additional definitions.)

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

23-1-3 MANUFACTURED HOUSING ACT ADOPTED. The Illinois Manufactured Housing and Manufactured Home Act, as passed and approved by the Illinois General Assembly is hereby adopted by the City, the applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the City. **(See 430 ILCS Sec. 115/1 et seq.)**

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

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

23-1-6 SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit.

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

23-1-8 **INSPECTION.** All Manufactured Housing units located in the City shall be subject to reasonable inspection by an official or officials designated by the City Council.

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

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

(A) **Dependent Manufactured Home.** It shall be unlawful to locate a dependent manufactured home in the City unless placed in a state-licensed travel trailer park.

(B) **Independent Travel Trailer.** It shall be unlawful to reside in an independent travel trailer in the Municipality unless it is located in a state-licensed travel trailer park.

(C) **Manufactured Home.** It shall be unlawful to locate a manufactured home or a manufactured home in a state-licensed travel trailer park without written permission of the Zoning Board.

23-1-11 **CARBON MONOXIDE ALARM DETECTORS.** Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. **(See 430 ILCS 135/1 et seq.)**

23-1-12 **SMOKE AND FIRE DETECTORS.** Each unit shall be equipped with smoke and fire detectors as prescribed by state statute.

ARTICLE II - IMMOBILIZED MANUFACTURED HOMES

23-2-1 **IMMOBILIZED MANUFACTURED HOMES.** All immobilized manufactured homes located in the City shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized manufactured home in **Section 23-1-1**. All existing manufactured homes, when replaced, shall comply with the immobilization provisions of this Code. **(See Section 40-5-12)**

23-2-2 **PERMIT - FEE.** All persons seeking to locate or replace a manufactured home or an immobilized manufactured home outside a manufactured home park shall obtain a **Building or Zoning Permit** from the City Clerk or Building Inspector. No utility services shall be connected to the unit until the City has issued the appropriate permits. The fee to locate or relocate a manufactured home or immobilized manufactured home is found in **Section 40-9-13**. **(See Zoning Code for districts permitting these uses.)**

23-2-3 **LOT SIZE.** The minimum lot size for the location of an immobilized manufactured home unit shall be **eight thousand (8,000) square feet**. All units shall be located in the City according to the requirements and restrictions of this Code. They shall not exceed **forty percent (40%) coverage** of the lot or the requirements of the Zoning Code.

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

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

ARTICLE III - MANUFACTURED HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

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

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

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

(C) **This Code.**

(D) **Zoning Code.**

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

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

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

23-3-3 **LOCAL GOVERNMENT REQUIREMENTS.** A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-3-4 **PERMITS.** The Zoning Administrator shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **“Manufactured Home Community Code”**, as approved by the **Illinois Department of Public Health**, the City Council or its designee may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

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

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

may be allowed by the City Council. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

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

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

DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS

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

23-3-11 **APPLICATION.**
(A) Every applicant shall file with the Zoning Administrator a written application and plan documents for the proposed construction or alteration of a manufactured home park.
(B) The application shall be completed by the applicant and the engineer or architect and shall include:

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

23-3-12 **LOCATION.**
(A) Sites selected for manufactured home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps,

wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

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

23-3-13 ROADWAYS AND PARKING.

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

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

If a manufactured home park has more than **fifty (50) units**, a wider street may be required by the Zoning Board of Appeals.

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

23-3-14 - 23-3-16 RESERVED.

DIVISION III - GENERALLY

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

23-3-18 MISCELLANEOUS RESTRICTIONS.

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

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

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

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

DIVISION IV - FEES

23-3-21 LICENSE FEE. The annual license fee per manufactured home park shall be **Fifty Dollars (\$50.00)**, and shall be due and payable **on or before May 1st of each year**. The City Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1st**.

CHAPTER 24 – MOTOR VEHICLE CODE

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CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS

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

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(See 625 ILCS Sec. 5/11-203)**

24-2-2 **SCENE OF FIRE.** The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

24-2-3 **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **Schedule "V" - Signs and Signals** shall be an integral part of this Section. **(See 625 ILCS 5/11-301)**

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person or place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapters 27 and 33) (Also See Chapter 40 - Zoning Code)**

24-2-7 **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. **(See 625 ILCS Sec. 5/11-206)**

24-2-8 **BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:

(A) A lamp upon the front which emits a white light visible from a distance of at least **five hundred (500) feet** to the front.

(B) A red reflector on the rear which shall be visible to a distance of **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(C) A reflex reflector on each pedal visible from the front and rear of the bicycle from a distance up to **two hundred (200) feet** when viewed within the lawful lower beams of headlights on a motor vehicle.

(D) Side reflectors upon each side of the bicycle which shall be visible up to a distance of **five hundred (500) feet** when viewed directly in front of a lawful lower beam of motor vehicle headlights. The requirements of this subparagraph may be met by reflective materials which shall be at least **three-sixteenths (3/16) of an inch** wide on each side of each tire or rim which may indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim.

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the City designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

24-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS Sec. 5/11-208)**

24-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS Sec. 5/11-302)**

24-3-4 **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "C")**

24-3-5 **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS Sec. 5/11-304)**

24-3-6 **DO NOT ENTER STREETS.** There shall be "DO NOT ENTER" signs posted for certain streets as follows:

(A) On the south end of Wait Street at North Main Street, which shall prohibit traffic from entering North Main Street (the courthouse square) from Wait Street.
(Ord. No. 1738; 10-11-22)

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 5/11-100 et seq.**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City except for the following changes, deletions and omissions:

- (A) **Omissions:**
- (1) Omit Sections 11-202, 11-204, 11-207, 11-208, 11-208.1, 11-208.2, 11-209, 11-209.1, 11-211, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-504, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419.02, and 11-1422.
- (B) **Changes and Additions:**
- (1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
 - (2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 **DRIVING RULES.**

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the City in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) **Drag Racing Unlawful.** No person shall be a participant in drag racing as defined in **625 ILCS Sec. 5/11-504.**

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** The Department of Local Authorities with reference to traffic control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths (3/8) of an inch** or more than **three-fourths (3/4) of an inch** in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department of Local Authorities, police officers, contractors and their employees engaged in highway construction, contract or work on the highway approved by the Department of Local Authorities, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified.

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the City and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **Schedule "S"** shall include the special speed zones.

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This Section shall not be applicable unless appropriate signs are posted upon streets and maintained by the City or State wherein the school zone is located.

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this City at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the City has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the City.

(K) **Snowmobiles.** It shall be unlawful for anyone to drive a snowmobile in the City streets or property of the City.

(#956; 01-13-81)

(L) **Left Turns.**

(1) It shall be unlawful for any person to turn left into a parking stall on Main Street between Tilson Street and the south side of the Courthouse Square. **(Ord. No. 1433; 05-23-06)**

(2) It shall be unlawful for any person to turn left onto Main Street between Wood Street and the south side of the Courthouse Square, from the East side of Main Street, except at the intersections of Wood Street and Main Street and Water Street and Main Street. **(Ord. No. 1470; 12-11-07)**

24-4-3 RAILROAD PROPERTY. It shall be unlawful for anyone to drive any motor vehicle on the property known as railroad property as described in Book 325 Page 802, in the Recorder of Deeds office, without the express consent of the City Council or its designated representative. **(#1043; 05-13-86)**

24-4-4 EXCESSIVE NOISE - STOPPED VEHICLE. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-5 EXCESSIVE NOISE - WHEELS. No operator of a motor vehicle shall, when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-6 **EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall accelerate the engine thereof when shifting the gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise.

24-4-7 **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise.

24-4-8 **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the City in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-9 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise, including, but not by way of limitation, using a technique commonly known as a "jake brake".
(Ord. No. 1326; 04-24-01)

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City. **(See 625 ILCS 5/12-605, 5/12-605.1; and 5/12-605.2)**

24-5-2 **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(See 625 ILCS 5/12-602)**

24-5-3 **SOUND AMPLIFICATION SYSTEMS.** No driver of any motor vehicle within this City shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This Section shall not apply to authorized emergency vehicles. **(See 625 ILCS 5/12-611)**

24-5-4 **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for the operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the City that emits excessive noise unless it is an emergency. The Superintendent is authorized and directed to post signs stating: "**EXCESSIVE ENGINE BRAKING NOISE PROHIBITED**" at appropriate locations. **(See 625 ILCS 5/12-602.1)**

ARTICLE VI - PARKING RULES

24-6-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted. **(See Schedule "D" and "E" entitled "No Parking Zones" for the list of applicable streets.)**

24-6-2 **PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED.** No person shall park a vehicle upon any street for the purpose of:

- (A) displaying such vehicle for sale; or
- (B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary; or
- (C) peddling merchandise.

24-6-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

- (1) **Stop, Stand or Park a Vehicle:**
 - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (b) On a sidewalk.
 - (c) Within an intersection.
 - (d) On a crosswalk.
 - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (h) On any railroad tracks.
 - (i) At any place where official signs prohibit stopping.
 - (j) On any controlled-access highway.
 - (k) In the area between roadways of a divided highway, including crossovers.
 - (l) In any alley that is open and maintained.
- (2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):
 - (a) In front of a public or private driveway.
 - (b) Within **fifteen (15) feet** of a fire hydrant.
 - (c) Within **twenty (20) feet** of a crosswalk at an intersection.
 - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of the roadway.
 - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any

fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).

- (f) At any place where official signs prohibit standing or parking.
- (3) **Parking a Vehicle.** (Whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
 - (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
 - (b) at any place where official signs prohibit parking;
 - (c) in yellow zones;
 - (d) at any place not to exceed **seventy-five (75) feet** along the curb before the entrance to any hospital or motel as posted;
 - (e) at any place not to exceed **seventy-five (75) feet** along the curb before the entrance to a public building between **8:00 A.M.** and **6:00 P.M.** except on Sunday.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

24-6-5 HANDICAPPED PARKING. It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person, as defined by "**The Illinois Vehicle Code**", pursuant to **625 ILCS 5/11-1301.2**, or to a disabled veteran pursuant to "**The Illinois Vehicle Code**", as evidence that the vehicle is operated by or for a handicapped person or a disabled veteran in any parking place, including any private or public off-street parking facility specifically reserved for motor vehicles bearing such registration plates or decals.

(A) The parking privileges for motor vehicles bearing registration plates or decals issued to a handicapped person or a disabled veteran shall also include motor vehicles registered in another jurisdiction upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle as operated by or for a handicapped person.

(B) Handicapped or disabled veteran persons bearing the required registration plates or decals shall be exempt from the payment of parking meter fees and exempt from any regulation imposing time limitations on parking except limitations of **thirty (30) minutes** or less on any street or highway zone or any parking lot or parking place which is owned or leased or owned and leased by the City or a City parking utility; but such vehicles shall be subject to the laws prohibiting parking in a "No Stopping" and "No Standing" Zone in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and where the motor vehicle constitutes a traffic hazard; whereby such vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.

(C) Any person owning or operating any public or private off-street facility may, after notifying the Police Department, remove or cause to be removed to the nearest garage or other place of safety, any vehicle parked within a stall or space reserved for use by the handicapped person or disabled veteran which does not display handicapped registration plates or a special decal or device as required under this Section.

(D) Any person who wrongfully parks a motor vehicle in a handicapped parking space shall be fined **Two Hundred Fifty Dollars (\$250.00)** in addition to any costs connected with the removal and/or storage of the motor vehicle. **(Ord. No. 1536; 06-28-11)**
(See 625 ILCS 5/11-1301.3) (See Schedule "L" for "Handicapped Zones").

24-6-6 SPECIAL PARKING RESTRICTIONS.

(A) No person having the possession or control or the right to possession or control of a motor vehicle shall cause, permit or allow the same to be parked on private property without the consent of the owner or owners of such private property.

(B) No person having the possession or control or the right to possession or control of a motor vehicle shall cause, permit or allow it to obstruct or encroach upon public highways, private ways, streets and alleys.

(C) No persons shall be within or occupy the parking lot for any purpose other than the parking of or removal of a motor vehicle parked therein.

(D) No motor vehicle shall be driven at a speed in excess of **five miles per hour (5 MPH)** within a parking lot.

(E) The parking areas shall be open to retail sales customers within the hours posted on the sign on the entrance or private parking lots.

(F) Vehicles shall not enter the parking area at any time except to park therein for the purpose of shopping at adjoining retail commercial establishments, or to make deliveries thereto.

(G) Parking lots shall not be used by persons possessing or operating motor vehicles to avoid traffic controls.

(Ord. No. 1102; 03-13-90)

(H) **Special Fine for Parking Within Fifteen (15) Feet of Fire Hydrant.** Any person found guilty of wrongfully parking a vehicle within **fifteen (15) feet** of a fire hydrant as set forth in **Section 24-6-3(A)(2)(b)** shall be fined **One Hundred Dollars (\$100.00)** in addition to any costs connected with the removal and/or storage of the motor vehicle. **(Ord. No. 1535; 06-28-11)**

24-6-7 LOAD LIMITS.

(A) **Established.** There is hereby established "gross load limits" on City streets listed in **Schedule "J"**. The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in the Motor Vehicle Schedules at the end of this Chapter in **Schedule "M"**.

(B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the City maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies. **(Ord. No. 662)**

24-6-8 PROHIBITED NIGHT PARKING. It shall be unlawful to park a motor vehicle on the streets surrounding the Courthouse Square or on Main Street South to Mill Street at any time between the hours of **1:00 A.M.** and **5:00 A.M.** on any day of the week. **(Ord. No. 1242; 05-27-97)**

24-6-9 TAXICAB AND BUS PARKING. It shall be unlawful to park any vehicle, other than those authorized, in a taxicab or bus parking zone. Those zones are listed in **Schedule "T"** and are incorporated into this Section.

24-6-10 BICYCLE PARKING. It shall be unlawful to park and/or leave any bicycle upon the City sidewalks of Main Street between Seward Street and Tilson Street, except in bicycle stands.

24-6-11 SNOW ROUTES. No person shall park or leave standing any motor vehicle, when snow accumulation exceeds **two (2) inches**, on any street or alley in the City. No person shall remove snow from private driveways or sidewalks into any street or alley within the City. **(Ord. No. 1264; 01-12-99)**

24-6-12 PUBLIC PARKING LOTS.

(A) **Designation of:**

(1) **Lot No. 1.** The land bounded by Water Street, Berry Street, and Broad Street is hereby designated as Lot No. 1.

(2) **Lot No. 2.** The land bounded by Wood Street, Berry Street and Broad Street is hereby designated as Lot No. 2.

(B) **Parking Vehicle for Sale.** It shall be unlawful to park any vehicle in the City parking lots for the purpose of displaying said vehicle "For Sale", or to park any vehicle upon the City parking lots from which vehicle merchandise is peddled or sold.

(C) **Vehicles Over a Certain Length.** No commercial vehicle exceeding an over-all length of **twenty (20) feet** shall be allowed to park on the City parking lots.

(D) **Trailers.** No trailers or semi-trailers shall be parked in City parking lots.

(E) **Municipal Lot Weight Restrictions.** No person shall enter, drive upon, stop, or park any motor vehicle having a gross vehicle weight of more than **ten thousand (10,000) pounds** total in City parking lots.

(F) **Parking During Parking Lot Cleaning or Snow Removal.** It shall be unlawful to park any vehicle on any City parking lot at any time when the lot is being cleaned or snow is being removed therefrom. Signs indicating the cleaning or snow removal shall be posted prior to the work beginning.

(G) **Removal of Illegally Parked Vehicles.** The police department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have towed away by a commercial towing service, any vehicle illegally parked in any place where the parked vehicle creates or constitutes a hazard in the City parking lots. Vehicles so towed away shall be stored on any City property or in any public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing the vehicle.

(H) **Registered Owner Responsible; Ticket or Notice to Appear.** Whenever any vehicle shall have been parked in violation of any ordinance of the City, prohibiting or restricting parking, the person in whose name the vehicle is registered shall be subject to the penalty for that violation. Whenever any vehicle is parked in violation of the provisions of the ordinances of the City prohibiting or restricting parking and there is no person in attendance upon the parked vehicle to be arrested or served immediately with a notice to appear in court to answer the charge for the violation, any police officer observing the violation may attach to the vehicle used in the violation, a notification or ticket so that the person in whose name the vehicle is registered may appear in court on a date certain and in a designated courtroom to be named in the notice, and answer the charge for the violation. It shall be unlawful for any person, other than the driver of the vehicle to which the notice is attached, to remove the same from the vehicle.

(I) **Abandoned Vehicles; State Vehicle Code Applies.** The procedure to be followed by the police department in regard to abandoned, unattended, lost, stolen, or unclaimed vehicles, shall be in accordance with the State Vehicle Code, **625 ILCS 5/4-201 through 4/214.**

(J) **Penalty.** All persons in violation of this Section shall be fined as is authorized in the Code of Ordinances of the City.

(Ord. No. 1626; 08-25-15)

24-6-13 TOWING CARS AWAY. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours.**

Vehicles towed away shall be stored on any City property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing such vehicle(s).

24-6-14 PARKING ON BOULEVARDS. It shall be unlawful to park any vehicle upon the boulevard owned by the City anywhere within the corporate limits, without the prior written permission of the Commissioner of Streets and Public Improvements.

Fines hereunder are increased from **Five Dollars (\$5.00)** to **Ten Dollars (\$10.00)** if paid within **ten (10) days** or **Twenty-Five Dollars (\$25.00)** if not paid within **ten (10) days** and **Thirty-Five Dollars (\$35.00)** if not paid within **thirty (30) days.** (Ord. No. 1341; 03-12-02)

24-6-15 VEHICLE IMMOBILIZATION. Any vehicle parked in violation of this Section or any parking regulation issued hereunder more than **five (5) times** in a period of **twelve (12) months** or twice in a period of **thirty (30) days** or any vehicle with **three (3)** unpaid parking tickets may be immobilized by use of a wheel boot. Notice of the application of a wheel boot shall be posted prominently in one of three locations: (1) on the driver's side of the front window of the vehicle, (2) on the rear windshield, or (3) on the driver's side window. Placement of the notices will depend on the type of vehicle.

The Chief of Police may refuse to authorize release of the vehicle to the owner or custodian until the cost of immobilization has been paid or bond posted. Wheel boots may only be removed by the Police Department staff, upon payment of the towing and storage fee and all unpaid parking fines. The owner or custodian of a vehicle impounded under any regulation of this Section may appeal the immobilization in person or in writing within **ten (10) calendar days** to the Chief of Police. Submitting an appeal to the Chief of Police is not a substitute for payment of the immobilization fee. (Ord. No. 1341; 03-12-02)

24-6-16 TICKETING VIOLATIONS. Each police officer shall attach to every vehicle parking in violation of any of the provisions of this Chapter or any other traffic control ordinance of the City a notice in the form set out herein and contains the following information: that such vehicle has been so illegally parked, the date and time of such violation, the license number and state of registration of vehicle, and the make of the vehicle. The notice shall also contain the meter number and the name of the officer issuing the ticket and instruct the operator to report at the police headquarters of the City in regard to such violation.

(A) **Penalty.** Each person may, within **twenty-four (24) hours** of the time when such notice was attached to such vehicle pay as the penalty for and in full satisfaction of such violation the sum so specified for each violation as follows:

- (1) Overtime parking - \$10.00
- (2) Double parking - \$50.00
- (3) Blocking driveway or sidewalk - \$50.00
- (4) Parking on wrong side of street - \$50.00
- (5) Parking over yellow line - \$50.00
- (6) No parking on this side of street - \$50.00
- (7) No parking - loading zone - \$50.00
- (8) No parking twenty (20) feet from intersection - \$50.00

(B) **Time Limit.** If overtime parking ticket is not paid within **ten (10) days** from the date ticket is issued, the fine shall increase to **Twenty-Five Dollars (\$25.00)** per ticket.

(C) Spaces with regulatory signs shall be **one hundred twenty (120) minute** free parking spaces.

(D) Tires of motor vehicles shall be marked for the purposes of enforcement of this Code and anyone leaving their vehicle beyond the **one hundred twenty (120) minute** free parking period shall be in violation of this Code and shall receive a ticket for overtime parking.

24-6-17 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

ARTICLE VII – ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES

24-7-1 ABANDONMENT OF VEHICLES PROHIBITED.

(A) The abandonment of a vehicle or any part thereof on any highway in this City is unlawful and subject to penalties as set forth under **Section 1-1-20** of this Code.

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this City is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the City, after a waiting period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

(C) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the City or a law enforcement agency. **(625 ILCS 5/4-201)**

24-7-2 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.

When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this City, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of any City having a duly authorized police department, or the State Police or the county sheriff when the vehicle is outside the corporate limits of the City. Upon receipt of such notification, the municipal police will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

24-7-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned on a highway in an urban district **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

24-7-4 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT. When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-204)**

24-7-5 RECORD SEARCHES FOR UNKNOWN OWNER.

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. Mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. Mail or other delivery service,

facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(D) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(E) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Municipal Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State. **(625 ILCS 5/4-205)**

24-7-6 IDENTIFYING AND TRACING OF VEHICLE. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 24-7-5** of this Code. **(625 ILCS 5/4-206)**

24-7-7 RECLAIMED VEHICLES; EXPENSES.

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.

(A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.

(B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(C) In those instances where the certified notification specified in **Section 24-97-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided for in **Section 24-7-8** without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Article, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the **ten (10) day** period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
- (2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(C) **Antique Vehicle.** A vehicle classified as an antique vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it. **(625 ILCS Sec. 5/4-209)**

24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any

hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

24-7-11 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage,

and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

24-7-12 POLICE RECORD FOR DISPOSED VEHICLE. When a vehicle in the custody

of the City or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.

(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the City.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

24-7-14 LIABILITY OF LAW ENFORCEMENT OFFICERS.

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

24-7-15 VIOLATIONS OF ARTICLE.

(A) Any person who violates **Section 24-7-1** of this Article or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of **Two Hundred Dollars (\$200.00)**; and
- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 24-7-3(A) and (E)**.

(B) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of **thirty (30) days'** storage fees.

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle; or
- (2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-214)**

ARTICLE VIII - REGULATING SIZE AND WEIGHT OF VEHICLES

24-8-1 **DEFINITION OF WORDS AND PHRASES.** The following words and phrases used in this Code shall, for the purpose of the Code, have the meanings respectively ascribed to them in this Chapter, except when the context otherwise requires and except where another definition set forth in another Chapter of this Code and applicable to that Chapter or a designated part thereof is applicable.

Axle Load. The total load transmitted to the road by all wheels whose center may be included between **two (2)** parallel transverse vertical planes **forty (40) inches** apart extending across the full width of the vehicle.

Commercial Vehicle. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter car, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

Construction Vehicle. Any vehicle over **ten thousand (10,000) pounds** actual weight, registered gross weight of G.V.W.R. that is required to comply with **625 ILCS 5/12-712 and 5/12-713** on identification required to be displayed.

Gross Vehicle Weight Rating (GVWR). The value specified by the manufacture or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.

Gross Weight. The weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.

Highway. The entire width between the boundary lines of every publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

Implement of Husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural, of livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry.

Motor Vehicle. Every Vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For this Act, motor vehicles are divided in to two divisions:

(A) **First Division.** Those motor vehicles, which are designed for carrying of not more than **ten (10) persons**.

(B) **Second Division.** Those motor vehicles which are designed for carrying more than **ten (10) persons**, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use as motor vehicles of the Second Division.

Permit Route. The route authorized by the issuing authority with proper jurisdiction over the roadway(s) for which permission has been granted to move a vehicle or combination of vehicles that is in itself indivisible or carrying an indivisible load that exceeds normal dimensions or weight or a combination thereof.

Semi-Trailer. Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Tandem Axles. Any **two (2)** or more single axles whose centers are more than **forty (40) inches** and not more than **ninety-six (96) inches** apart, measured to the nearest inch between extreme axles in the series, except as provided in Section 15-111 (**625 ILCS 5/15-111**) for special hauling vehicles.

Trailer. Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
City is the City of Hillsboro.

24-8-2 OVERWEIGHT AND/OR OVERDIMENSION VEHICLES.

(A) It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the City, any vehicle or combination of vehicles exceeding the size and weight limitations stated in **625 ILCS 5/10-102 (width), 625 ILCS 5/15-103 (height), 625 ILCS 5/15-107 (length), and 625 ILCS 5/15-111 (weight).**

(B) Size and weight limitations while operating on City streets shall not apply to fire apparatus or equipment for snow or ice removal operations owned or operated by or for any governmental body or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor.

(C) Where lower size and weight limits or other restrictions are imposed by ordinance under authority of **625 ILCS 5/15-111 and 5/15-316 and 5/15-317**, and signs indicating such limitations or restrictions are posted, it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions.

(D) Whenever any vehicle or combination of vehicles is operated in violation of this Section, the owner and/or driver of such vehicle shall be deemed guilty of such violation and either or both the owner and driver of such vehicle may be prosecuted for such violation.

24-8-3 PERMITS FOR OVERWEIGHT AND/OR OVERDIMENSION VEHICLES.

(A) A permit shall be required for the movement of any vehicle or combination of vehicles with a non-divisible load on roadways and bridges within the jurisdiction of the City which exceeds the dimensions and weights permitted for the particular roadways to be traversed whether they are non-designated or designated roadways.

(B) The City with respect to any street or highway under its jurisdiction may upon application to the Police Department on forms provided by the police department and good cause being shown therefore issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in **Section 24-8-2**. The applicant shall furnish the following information in the special permit application:

- (1) The name and address of the owner or lessee of the vehicle.
- (2) Applicant's name.
- (3) Type of permit requested whether it is for a single trip, or round trip.
- (4) The description and registration (or the Illinois Department of Transportation's (IDOT) registration number or classification) of the power unit.
- (5) Description of the object or vehicle to be moved.
- (6) The number of axles of the vehicle or combination of vehicles.
- (7) The maximum axle weights of all single, tandem or series axles.
- (8) Maximum gross weight of the vehicle.
- (9) The maximum width, length and height of the vehicle and load.
- (10) Requested routing over City streets to and from a specific location.

(C) For purposes of this Section, the following definitions apply:

- (1) A one-way or single trip movement means one move from the point of origin to the point of destination. Any additional stops between the point of origin and the point of destination are expressly prohibited. Single trip permits are effective for **seven (7) consecutive days** from the date of issuance unless otherwise directed by the Police Department.

- (2) Round trip movement means two trips over the same route in opposite directions. Round trip permits are effective for **fourteen (14) consecutive days** from the date of issuance.

(D) The owner or his or her agent shall submit an application fee based on the below chart for a single routing which will be valid for **seven (7) calendar days**, round trip routing valid for **fourteen (14) calendar days**. Permits are valid only for the date periods specified on the permit and for the specific vehicle, load and routing as established by the Chief of Police or designee. No substitution of vehicle, load or routing is permitted without expressed written permission by the Chief of Police or his or her designee and the permit must be carried in the vehicle to which the permit applies.

Fee Schedule

Permit size - weight (with load)	Fee	
	Single Trip	Round Trip
Up to 100,000 pounds	\$50.00	\$75.00
100,001 - 120,000	\$75.00	\$100.00
120,001 - 150,000	\$100.00	\$125.00
Over 150,000	\$100.00*	\$125.00*

*Plus necessary and appropriate administrative, engineering and road damage fees.

Permit size - width (with load)	Fee	
	Single Trip	Round Trip
Up to 12'	\$25.00	\$40.00
12'1" - 13'6"	\$50.00	\$75.00
Over 13'6" wide	\$50.00*	\$75.00*

*Plus necessary and appropriate administrative, engineering and road damage fees.

Permit size - height (with load)	Fee	
	Single Trip	Round Trip
13'6" - 14'6"	\$25.00	\$40.00
Over 14'6"	\$50.00*	\$75.00*

*Plus necessary and appropriate administrative, engineering and road damage fees.

Permit size - length (with load)	Fee	
	Single Trip	Round Trip
Up to 100'	\$25.00	\$40.00
Over 100'	\$50.00*	\$75.00*

*Plus necessary and appropriate administrative, engineering and road damage fees.

NOTE: If a vehicle requires a permit due to multiple weight and/or dimension issues, the total fee will be based on the largest individual weight or dimension factor only.

(E) The Chief of Police or his or her designee is authorized to approve the application for approved routes. Upon approval and payment of all required fees, the Police Department shall issue a permit allowing passage of the oversize and/or overweight vehicles over City streets. The permit shall be specific and contain:

- (1) Permit number.
- (2) The dates the permit is valid.
- (3) Whether the permit is for single or round trip routing.
- (4) The description of objects or vehicle to be moved.
- (5) Authorized gross weight, axle weights, width, length and height.

- (6) The authorized routing over City streets including the origin and termination point within the City.
- (7) The fee paid.
- (8) The date and signature of the Chief of Police or his or her designee.
- (9) In addition the permit will specify general conditions that the permittee must comply with, that are consistent and reasonable for the protection of the general public and City streets.

(F) It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking of the permit move is deemed prima facie evidence of acceptance of the permit and that:

- (1) The permittee is in compliance with all operations requirements;
- (2) All dimension and weight limitations specified in the permit will not be exceeded;
- (3) All operation, registration and license requirements have been complied with;
- (4) All financial responsibilities, obligations and other legal requirements have been met; and
- (5) The permittee assumes all responsibility for injury or damage to persons or to public or private property, including his or her own, or to the object being transported, cause directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit. He or she agrees to hold the City harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the City for any claim it may be required to pay arising from the movement.

(G) The permit shall be carried in the vehicle to which the permit applies at all times while operating on streets within the City and shall be exhibited upon demand to any law enforcement officer, police officer or authorized official of the City.

(H) Whenever any vehicle is operated in violation of the provisions of a City permit whether it is by size, weight or general provisions, and either/or the owner of such vehicle shall be deemed guilty and either/or both the owner or the driver of such vehicle may be prosecuted for such violation.

24-8-4 VEHICLES PROHIBITED ON CERTAIN STREETS.

(A) As provided under the authority of **625 ILCS 5/15-111** and **5/15-316**, it shall be unlawful to operate any vehicle upon any street where the operation of that vehicle is prohibited by ordinance and where signs of such prohibition are posted. Vehicles operating under the **625 ILCS 5/15-111** or **5/15-316** while utilizing City streets under "reasonable access" rules will be considered in violation of this Section if they are not utilizing the most direct route to points of loading and unloading.

(B) It shall be unlawful to park a commercial vehicle on a residential street while said truck is running between the hours of **10:00 P.M.** and **6:00 A.M.** the following day.

24-8-5 OVERSIZE/WEIGHT VEHICLES PERMITTED ON CERTAIN STREETS.

(A) As provided under the authority of **625 ILCS 5/15-111(f)**, the City has designated the following portions of streets and/or highways as Class III designated streets. Vehicle utilizing those as such, can be of a weight, length and width consistent with **625 ILCS 5/15-102 (width)**, **625 ILCS 5/15-107 (length)** and **625 ILCS 5/15-111 (weight)**. For a list of Class III Designated streets, see **Schedule "N"**.

(B) The Superintendent of Streets is authorized and directed to post or cause to be posted, streets designated as Class III truck routes as governed by **Schedule "N"**.

24-8-6 **EXEMPTIONS.**

(A) The Chief of Police or his or her designee can suspend normal truck restrictions for events, but not limited to, Old Settlers, car/tractor shows, parades and in case of emergencies. This shall be a temporary order.

(B) For Business on State Routes, there is a **one (1) block** area in which those Businesses may receive delivery trucks.

24-8-7 **PENALTY.** Any person, firm or corporation who or which violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this Chapter will be fined not less than **One Hundred Dollars (\$100.00)** not more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. A separate offense shall be deemed committed on each calendar day a violation occurs.

In addition to seeking a fine, as herein above provided, the City Attorney may institute any proper action in the name of the City to enjoin the violation of any provision of this Chapter.

(Ord. No. 1485; 10-14-08)

ARTICLE IX – NON-HIGHWAY VEHICLES

24-9-1 RECREATIONAL VEHICLE PERMITTED. Recreational off-highway vehicle, as defined and qualified herein shall be allowed on City streets under the condition as stated herein.

24-9-2 DEFINITIONS. "Recreational off-highway vehicle" shall mean any motorized off-highway device designed to travel primarily off-highway, as defined by Illinois Statute **625 ILCS 5/1-101.8, 5/1-123.9, 5/1-148.3m, 5/1-153.1, and 5/1-168.8.**

24-9-3 EQUIPMENT REQUIRED. All recreational off-highway vehicles must be equipped as follows:

- (A) Brakes and brake lights;
- (B) Turn signals on the front and rear;
- (C) A steering wheel apparatus;
- (D) Tires;
- (E) Rearview mirror;
- (F) Approved "slow moving vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
- (G) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;
- (H) Tail lamp that emit a red light visible from at least **one hundred (100) feet** from the rear of the vehicle which must be illuminated when in operation;
- (I) Red reflectorized warning devices in the front and rear;
- (J) Seat belts for each passenger and the driver of the vehicle;
- (K) A valid Illinois driver's license or the equivalent from another jurisdiction;
- (L) Any and all additional requirements which may be amended or added to **625 ILCS 5/11-1426.1** or the Illinois Motor Vehicle Code.

24-9-4 PERMITS.

(A) No person shall operate a recreational off-highway vehicle without first obtaining a permit from the City Clerk as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The cost of the permit is **Forty Dollars (\$40.00)** per year. Liability insurance coverage is to be verified to be in effect by the Police Department when obtaining or renewing a permit.

(B) All persons obtaining a permit shall fully complete the Non-Highway Vehicle Application and Inspection Form prior to being issued a permit.

(C) The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or there is evidence that a permittee cannot safely operate a qualified recreational off-highway vehicle on the designated roadways.

(Ord. No. 1618; 06-09-15)

CITY OF HILLSBORO

NON-HIGHWAY VEHICLE APPLICATION AND INSPECTION FORM

Applicant Name: _____

Address: _____
(Street) (City) (State) (Zip Code)

Phone/Cell #: _____

E-mail Address: _____

Serial Number of Vehicle: _____ Make/Model: _____

Description of Vehicle: _____

Name and Address of Liability Insurance Carrier: _____

Policy Number and Expiration Date: _____

Driver's License # _____ Issuing State: _____

I have reviewed a copy of the City of Hillsboro's Ordinance Establishing the Requirements of Non-Highway Vehicles on Streets Within the Corporate City Limits of the City of Hillsboro, Montgomery County, Illinois, and I agree to abide thereby.

(Date)

(Signature of Applicant)

INSPECTION REPORT

- | | |
|---|--|
| _____ Brakes and Brake Lights | _____ Red Reflector Warning Devices (front/rear) |
| _____ Turn Signals | _____ Headlights (as required) |
| _____ Steering Wheel Apparatus | _____ Tail Lamps (as required) |
| _____ Tires | _____ Proof of Liability Insurance – Copy |
| _____ Approved "Slow Moving Vehicle" emblem | |

Date & Time of Inspection: _____, 20__ a.m./p.m.

_____ New or _____ Renewal

Inspector Signature: _____

For Office of City Clerk Use Only:

_____ **\$40.00 Fee for One (1) Year Permit; Permit #** _____

Permit Issue Date: _____ **Permit Expiration Date:** _____

SCHEDULE "A"

STOP INTERSECTIONS

In accordance with Section 24-3-3, the following intersections are designated as stop intersections for the streets indicated:

I. FOUR-WAY STOP INTERSECTIONS.

Grant St.	and	Brailley St . (#1537)
Jefferson St.	and	Franklin St. (#1271)
Jefferson St.	and	Hunt Ave. (#1274)
Jefferson St.	and	Tremont St. (#1313)
Seward St.	and	Grant St. (#1537)
St. Louis St.	and	Summer St. (#1327)
Summer St.	and	Rountree St. (#1602)
Tremont St.	and	Anna St.
Tremont St.	and	Eccles St.
Tremont St.	and	Roundtree St. (#1291)
Welch	and	Rapp Electric Co. (#831)
Welch	and	Water (#831)

II. THREE-WAY STOP INTERSECTIONS.

Crittenden St. (Both)	and	Ash St. (West Bd.) (#937)
Fairway Heights (South Bd.)	and	Smith Rd. (Both) (#1202)
Hilltop Dr. (North Bd.)	and	Haley Dr. (South Bd.)
Kinkead Rd. (West Bd.)	and	Seymour Ave. (Both) (#1232)
Main St. (Both)	and	Fairgrounds St. (West Bd.) (#1314)
Mechanic St. (Both)	and	S. Oak St. (South Bd.) (#1159)
North St. (East Bd.)	and	East St. (South Bd.)
Tremont St. (East Bd.)	and	Chase St. (Both) (#831)
Wood St. (East Bd.)	and	Roundtree (North Bd.)

III. THROUGH AND STOP INTERSECTIONS.

THROUGH STREET

STOP STREET - DIRECTION

Adams St.	at	Franklin St. (East Bd.)
Berry St.	at	Water St. (Both)
Brailley St.	at	Bowles St. (South Bd.)
Brailley St.	at	Douglas St. (Both)
Brailley St.	at	Independence Dr. (#1371)
Brailley St.	at	Starr St. (North Bd.)
Briarwood Dr.	at	Hilltop Dr. (South Bd.)
Courthouse Sq.	at	Main St. (Both)

THROUGH STREET**STOP STREET - DIRECTION**

THROUGH STREET		STOP STREET - DIRECTION
Glenn Shoal's Lake Rd.	at	Lakewood Dr. (South) (#941)
Hamilton St.	at	Brailley St. (West Bd.) (#850)
Hamilton St.	at	Helston St. (East Bd.) (#850)
E. Kinkead	at	Summit St. (North) (#937)
E. Kinkead	at	Vandalia St. (Both) (#937)
Kinkead Rd.	at	S. Main St. (South Bd.)
Land's End Trail	at	Lakewood Dr. (East Bd.) (#941)
Mechanic St.	at	Vandalia St. (Both) (#1306)
Mill St.	at	Gunning St. (Both)
North St.	at	Bowles St. (North)
North St.	at	Douglas St. (Both)
North St.	at	Grant St. (Both)
North St.	at	Larkin St. (Both)
North St.	at	Long Ave. (North Bd.)
Oak St.	at	Hunt Ave. (West Bd.) (#1202)
Old Bus Line Rd.	at	E. Cypress Ave.
Old Bus Line Rd.	at	E. Osage Ave.
Old Bus Line Rd.	at	E. Willow Ave.
Old Park Rd.	at	Lake Dam Rd. (West Bd.) (#941)
Old Shelbyville Rd.	at	New Long Ave. (North Bd.)
Old Shelbyville Rd.	at	Old Long Ave. (North Bd.)
Osage St.	at	Vandalia St. (South Bd.) (#1661)
Preston t.	at	Bell Place (East Bd.) (#1648)
E. Seward St.	at	Central Park Rd. (North Bd.) (#1729)
Seward St.	at	Starr St. (South Bd.)
Shelbyville Rd.	at	Independence Dr. (#1371)
W. Shore Trail	at	Lakewood Dr. (North Bd.) (#941)
Summer St.	at	Oak St. (Both)
Summit St.	at	E. Cypress Ave. (#937)
Smith St.	at	Corporate Dr. (South Bd.) (#1173)
Vandalia St.	at	E. Cypress Ave. (Both) (#937)
Vandalia St.	at	E. Willow Ave. (Both) (#937)
Water St.	at	Douglas St. (Both)
Water St.	at	S. East St. (South Bd.) (#1218)
Water St.	at	Grant St. (Both) (#850)
Water St.	at	King St. (Both)
E. Willow Ave.	at	Summit St. (Both) (#937)
Wood St.	at	Oak St. (Both)

SCHEDULE "B"

ONE-WAY STREETS

In accordance with the provisions of Section 24-3-2, the following are designated as one-way streets:

<u>STREET - DIRECTION</u>		<u>LOCATION</u>
Anna St. (South Bd.)	from	School St. to Tremont St.
Berry St. (North Bd.)	from	Wood St. to Church St. (#869)
King St. (North Bd.)	from	Church St. to Wood St. (#869)
Lakeview Dr. (South Bd.)	from	School St. to Tremont St.
E. Water St. (West Bd.)	from	Central Park West to Broad St.
Wood St. (West Bd.)	from	Hamilton St. to Main St.

SCHEDULE "D"

NO PARKING ZONES

In accordance with Section 24-6-3, the following streets and alleys are hereby established as "no-parking" zones:

STREET - SIDE		LOCATION
Anna St. (West)	from	School St. to Tremont (#874)
Ash St. (South)	from	Eccles St. to Crittenden St. (#939)
Bell Place	from	Preston St. to Burbank School
Berry St. (East)	from	Water St. to Church St.
Birch	from	Wood St. 60 feet North and South
Brailley St. (South)	from	N. Main St. to Broad St.
E. Brailley St. (North)	from	Broad St. west 85'. (#1724)
Broad St. (West)	from	Alley North of Hillsboro Hotel to Brailley St. (#939)
Broad St. (West)	from	Church St. to Wood St.
N. Broad St. (East)	from	South 400'. (#1724)
Chase St. (Both)	from	Summer St. 60' north. (#1588)
Church St. (South)	from	S. Broad St. to Berry St. (#1730)
Columbia St. (Both)	from	Mechanic St. to Yale Ave. (#1434)
Crittenden St. (East)	from	Ash St. to Railroad R.O.W. (#874)
Dearborn St. (South)	from	Birch to Oak St. (#939)
Dearborn St. (North)	from	Hamilton St. to Birch (#939)
Eccles St. (East)	from	Tremont St. to School St. (#1014)
Fairground Ave. (North)	from	Big Four Ave. to St. Louis St. during the hours of 8:00 A.M. to 4:00 P.M.
Fairground Ave. (West)	from	S. Main St. to Seymour Ave.
E. Fairground Ave. (North)	from	Roundtree St. west 85'. (#1725)
E. Fairground Ave. (South)	from	West side of bridge east of County Public Aid Building to Hilltop Dr.
Fairgrounds St. (Both)	from	Main St. to Hilltop Dr. (#1392)
No semi tractor trailer parking	from	South for 125 feet (#1619)
Fairmont Place (East)	from	
Gunning St.	within	100 feet of intersection with Mill St. (except Police and Emergency Vehicles)
Hamilton St. (East)	from	Brailley St. north (#1225)
Hamilton St. (Both)	from	Springfield Rd. to Brailley St. (#1192)
Hamilton St. (Both)	from	Tillson St. to Seward St.
Hamilton St. (East)	from	Springfield Rd. to Brailley Place (#1244A)

STREET - SIDE**LOCATION**

Hamilton St. (Both)	from	Tillson St. to Wood St. (#1257)
Hamilton St. (West)	from	North 75 feet (#1244A)
Hamilton St. (West)	from	Seward St. to Springfield Rd.
Hunt Ave. (North)	from	Oak St. to S. Main St. (#971)
Illinois 127	from	School St. to 398.88 feet south of Senator Miller Dr. (#1257)
Jefferson St. (West)		(#1549)
Jefferson St. (West)	from	Franklin St. to Mechanic St. (#1314)
King St. (East)	from	Wood St. to Church St.
Lakeview Dr.	from	School St. to Tremont St. (#939)
Lake Glenn Shoals Dam (#963)		
Lake Glenn Shoals Spillway (#963)		
Lake Hillsboro Bridge and Causeway at Camping Area (#963)		
Lake Hillsboro Dam (#963)		
Long Ave. (East)	from	Shelbyville Rd. to Brailley St. (#983)
Long Ave. (West)	from	Shelbyville Rd. to First Alley going West (#983)
Main St (East) – No Semi Tractor Trailer Parking	from	Tremont St. to Summer St. (#1293)
Main St. (East)	from	Mechanic St. north to the Alley (#826)
Main St. (West)	from	School St. to Tillson St. (#1257)
N. Main St. (West)	from	Courthouse Sq. to City limits
N. Main St. (East)	from	Courthouse Sq. to Brailley St.
Mechanic St. (Both)	from	Center St. to Jefferson St. (#1550)
Mechanic St. (South)	from	Vandalia St. to Vandalia Rd.
Mechanic St. (North)	from	Vandalia Rd. to Seymour Ave. (#939)
Mill St. (Both)	from	Main St. to Gunning St.
Mill St. (South)	from	Gunning St. to Roundtree St.
Main St. (Both)	from	Brailley St. north 1.020' (#1205)
Main St. (East)	from	School St. to 255.71 feet south of Tremont St. (#1257)
Main St. (East)	from	51.53 feet south of Tremont St. to 137.94 feet south of Main St. (#1257)
Oak St. (East)	from	Rt. 16 to Fairground Ave. (#1491)
Oak St. (East)	from	Mechanic St. to Fairground Ave. (#1016)
Oak St. (Both)	from	Wood St. to Hickory St (#1339)
Pleasant St. (Both)	from	Roundtree St. and Main St. (#1147)
Preston St. (East)	from	Bell St. to School St. (#826)
Roundtree St. (East)	from	Summer St. to Vandalia Rd. (#1413)
Roundtree St. (East)	from	Wood St. to Tremont St. (#1413)
Roundtree St. (West)		No semi-tractor trailer parking (#1278)
Roundtree St. (West)	from	Summer St. south 100' (#1604)

STREET - SIDE**LOCATION**

St. Louis St. (East)	from	Roundtree St. to Railroad St.
School St.	from	Roundtree St. to Railroad St.
School St.	from	Anna St. to S. Main St. (#1236)
Seward St. (Both)	from	Broad St. to Welch St. (#1022)
Seward St. (South)	from	Douglas St. to Larkin St. (#1028)
W. Seward St. (North)	from	Main St. to Hamilton St.
Seymour Ave.	Between	Entrance and Exit of the entrance of Beckemeyer School (#1523)
Summer St. (South)	from	S. Main St. to West side of Driveway of Hucker property (#1082)
Summer St. (North)	from	S. Main St. to Jefferson St. (#1082)
Tillson St. (Both)	from	Main St. to Hamilton St. (#1257)
Tilson Place (Both)	from	Hamilton St. to Jefferson St. (#939)
Tremont St. (South)	from	S. Main St. to Cemetery (#1016)
Tremont St. (South)	from	Roundtree west 40 feet (#1283)
Virginia St. (East)	from	School St. to Tremont St. (#939)
Water St. (South)	from	Berry St. to Central Park Dr.
Water St. (North)	from	Central Park Dr. to Hamilton St. (#1388)
Water St. (North)	from	Oak St. to Berry St.
Welch St.	from	Seward St. 50 feet north (#939)
Wood St.	from	Hamilton St. to Birch (#939)
Wood St. (Both)	from	Roundtree St. to Welch St. (#1082)
Wood St. (South)	from	Post Office to Main St.
Wood St. (North)	from	Main St. to Roundtree St.
Wood St. (North)	from	Oak St. to Hamilton St.

SCHEDULE "E"

LIMITED PARKING ZONES

In accordance with the provisions of Section 24-6-1, the following streets are hereby designated as limited parking zones:

<u>STREET - SIDE</u>		<u>LOCATION</u>
Hamilton St. (West)	from	Parking limited to one hour at southernmost (3) parking spaces. (#1244A)
Historic Courthouse (East Side)		Parking limited to 30 minutes at southernmost two (2) parking spaces. (#1310)
Main St. (East)		Designated parking stalls at City Hall is limited to 15 minutes between 8:00 A.M. and 4:00 P.M. (#1061)
Main St.	from	Seward St. to Mill St. 2:00 A.M. to 6:00 A.M. Monday through Friday (#826)
Pleasant St. (South)	from	Main St. east 60 feet parking is limited to 15 minutes (#888)
E. Seward St. (North Side)		The first 3 parking spots west of Broad St. – compact cars only (#1549)
Wood St.		Parking limited to 10 minutes in permitted zones from 8:00 A.M. to 6:00 P.M.
W. Wood St. (Both)	from	Main St. to Hamilton St. – Limit of 2 hours (#1353)

SCHEDULE "L"

HANDICAPPED ZONES

In accordance with the provisions of Section 24-6-3(C), the following areas are hereby designated as "Handicapped Parking Zones":

STREET/LOCATION/LOT	LOCATION
Berry St.	One space being building at 209 S. Main St. (#1382)
Berry St. (East)	First space to the south of the entrance to 311 Berry St. (#1370)
101 S. Broad St.	One space west of Firehouse (#1536)
Central Park	Hillsboro (#1191)
Courthouse Square	Northwest Corner (#1460)
Gunning St. (West)	Moose Lodge – Rear Entrance two spaces (#1356)
Lot #2 (West Municipal Parking Lot)	East side, Center row, north end (#1536)
Main St. (Courthouse Square)	First space south of the crosswalk on the west side of Courthouse, east side of Main St. (#1500)
	First space north of the crosswalk on the west side of Courthouse, east side of Main St. is reserved for County Treasurer (#1500)
	First space east of east crosswalk, north side of Main St., by St. Paul's Lutheran Church (#1536)
S. Main St.	First space south of the Courthouse Square on the west side of S. Main St. (#1500)
201 S. Main St. (north side)	First space east of the east crosswalk on the north side of 201 S. Main St. (#1536)
237 S. Main St.	First space north of crosswalk, east side of S. Main St. (#1536)
300 S. Main St.	First space south of crosswalk, west side of S. Main St. (#1536)
401 S. Main St.	First space south of crosswalk, east side of S. Main St. (#1536)
433 S. Main St.	Southernmost parking spot on the east side of S. Main St. (#1580)
447 S. Main St.	East side of S. Main St. by City Hall (#1536)
Public Parking Lot No. 1	East lot - one space (#1210)
Rountree St.	West side of Rountree St. on the east side of the Public Library (#1536)
E. Seward St. (100 block)	First space east of crosswalk, south side of E. Seward, on north side of 101 S. Main St. (#1536)
Wood St.	114 E. Wood St. (#1178)
117 W. Wood St.	North side of Wood St. across from Post Office (#1536)

SCHEDULE "M"

LOADING ZONES

In accordance with the provisions of Section 24-6-4, the following streets are hereby established as "loading zones" and parking is restricted:

STREET - SIDE		LOCATION (IF ANY)
Berry St. (West)		
S. Main St. (East)	from	Tremont south for 130 feet (Doctor also)
Main St.		
(Alley parallel to and west)	from	Wood St. north to Courthouse Square (#1302)

SCHEDULE "N"

TRUCK ROUTES

In accordance with the provisions of **Article VIII**, the City truck routes are hereby established as follows:

- Industrial Park Dr. to Smith Rd., Smith Rd. to City Lake Rd., City Lake Road to Hillsboro Street Department. Also includes Corporate Dr.
- Anna St. to Hospital Dr., Tremont St. to Railroad St., Park St. to School St.
- Eccles St. to Ash St., Ash St. to Fuller Bros. East property line.
- Roundtree St. to Summer St., Summer St. to Jr. High School driveway.
- Fairground Ave. to High School.
- Senator Miller Dr.
- Seward St. to Broad St., Broad St. to White St., White St. to Bluff St., Bluff St. to Taylorville Rd.
- Broad St. to Wood St., Wood St. to Hamilton St.
- Mill St. to Gunning St., Gunning St. to Wood St., Wood St. to Berry St. to Church St. to Broad St.
- Water St. to the West Alley (S. Main St.).
- Kinkead Rd. to Seymour Ave., Seymour Ave. to Fairground Ave., Fairground Ave. to Beckemeyer School.

(Ord. No. 1485; 10-14-08)

SCHEDULE "S"

SPEED ZONES

In accordance with the provisions of Section 24-4-2(F), the following "speed zones" are hereby established:

STREET - SPEED		LOCATION
Briarwood Dr. (20 MPH)		Entire Length (#1622)
Corporate Dr. (10 MPH)	from	Smith Road into Hillsboro Sports Complex (#1292)
Fairground Ave. (25 MPH)	from	Hilltop Dr. to Seymour Ave. (#1282)
Glenn Shoals Dr. (30 MPH)		Entire Length (#1427)
Hilltop Dr. (20 MPH)		Entire Length (#1622)
Independence Dr. (20 MPH)	from	Smith Rd. to Brailley St. (#1379)
Lake Rd. (20 MPH)	from	Smith Rd. to Brailley St. (#1379)
Lakeside Knolls Ave. (20 MPH)		Entire Length (#1393)
Lakewood Dr. (20 MPH)		Entire Length (#1430)
Lands End Rd. (20 MPH)		Entire Length (#1430)
Mechanic St. (20 MPH)		Seymour Ave. east to Beckemeyer Elementary School grounds (#1594)
Oakbrook Dr. (20 MPH)		Entire Length (#1432)
Old Oaks Dr. (20 MPH)		Entire Length (#1432)
Seymour Ave. (25 MPH)	from	Fairground Ave. to Kimball St. (#1282)

CHAPTER 25 - NUISANCES

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CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City, for any person, firm or corporation within the limits of the City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) **Bodies of Water.** To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water or ground surface, so that it harbors mosquitoes, flies or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(J) **Storing Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, including but not limited to tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious and dangerous to the health of individuals or the public.

(K) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another.

(L) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(M) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the City or within the distance of **one (1) mile** beyond the City limits. **(See 65 ILCS 5/11-42-9)**

(N) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink

upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds, and premises belonging to or occupied by him.

(O) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(P) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, including but not limited to paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter or material objects of any size or description to fall upon the streets of the City, or to be thrown by any person, or to throw from a moving vehicle and to remain thereon.

(Q) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boat, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(R) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(S) **Bringing Nuisances into the City.** To bring into the City or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance or thing which shall be a nuisance or which shall occasion a nuisance in the City, or which may or shall be dangerous or detrimental to health.

(T) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive or putrid, or permit any such liquid to be discharged, placed, thrown or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(U) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

(V) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(W) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit", so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(X) **Discarded Machinery.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(Y) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(Z) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(AA) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits.

25-1-2 **NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 **NOTIFICATION.** Whenever the Public Health and Safety Committee of the City or the Chief of Police or Fire Chief or Commissioner of Public Health and Safety or the Mayor, or a majority of the City Council or any person at the direction of a majority of the City Council finds that a nuisance exists, they shall have the City Clerk or City Attorney send a written notice via Certified Mail to the party responsible for the nuisance and to the party on whose property the nuisance exists, ordering that the nuisance be abated within **fifteen (15) calendar days**. Owners of vehicles in violation of **Section 25-4-1 et seq.** hereunder shall be notified via Certified Mail or hand delivery by a Hillsboro Police Officer. If the owner does not request a hearing the vehicle may be towed and impounded at the owner's expense if the vehicle has not been removed within **seven (7) calendar days** of the notice given hereunder. **(Ord. No. 1342; 03-12-02)**

25-1-4 **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-5 **APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 **ABATEMENT BY CITY.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the City Clerk who shall pay such expenses on behalf of this City. **(See 65 ILCS 5/11-60-2)**

25-1-7 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The City shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(See 65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 **HEIGHT.** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding **eight (8) inches** anywhere in the City. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 **NOTICE.** The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 **LIEN.** Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-2-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien is in effect for **sixty (60) days**.

(See 65 ILCS 5/11-20-6 and 5/11-20-7)

(Ord. No. 1308; 08-08-00)

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 **NOTICE TO PERSON.** The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-3-6 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(See 65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)

(Ord. No. 1308; 08-08-00)

ARTICLE IV - INOPERABLE MOTOR VEHICLE

25-4-1 **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"INOPERABLE MOTOR VEHICLES" shall mean any motor vehicle which, for a period of at least **seven (7) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

25-4-2 **INOPERABLE AND DERELICT VEHICLE (PRIVATE PROPERTY).** It is unlawful for any person within the limits of the City to permit or maintain an unsightly yard or premises where there is an accumulation of any vehicle equipment, material, or inoperable vehicles, defining same as any vehicle in such a state of disrepair as to be incapable of being driven in its present condition; or any vehicle that would violate any local or state law if it were driven; or any vehicle that has not been moved or driven for **seven (7) consecutive days**; and that said vehicle, equipment or material or junk, wrecked or disabled vehicles are in public view, unless said vehicle is advertised for sale, with signage, and then for no longer than **thirty (30) days**, or said vehicle is covered with a cover commercially designed for covering said type and style of vehicle or if a car cover is not commercially available, by a cover approved by the Code Enforcement Officer. **(Ord. No. 1428; 2006)**

25-4-3 **NOTICE TO OWNER.** The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

No person shall stand or park any motor vehicle, as defined by **Illinois Compiled Statutes, Chapter 625** entitled Illinois Vehicle Code, on any area of residential property other than designated driveways and parking areas. Every vehicle parked in violation of this Section is hereby declared to be a nuisance which may be abated by any police officer by removing and impounding such vehicle. **(Ord. No. 1342; 03-12-02)**

25-4-4 **EXCLUSIONS.** Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles. **(See 65 ILCS Sec. 5/11-40-3)**

(See Chapter 24)

(Ord. No. 1308; 08-08-00)

ARTICLE V - DANGEROUS AND UNSAFE PROPERTIES

25-5-1 **ADOPTION BY REFERENCE.** The City may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the City and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the City does hereby adopt by reference the applicable provisions of **Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1** governing dangerous and unsafe buildings.

ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT

25-6-1 **SPECIAL ASSESSMENT.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in **Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq.**, and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

CITY OF HILLSBORO

**447 S Main St
Hillsboro, IL 62049**

NOTICE OF NUISANCE VIOLATION

TO: _____

You are hereby notified that the Police Chief or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at _____, within the corporate limits of this City contains an unlawful nuisance(s) as defined by **Chapter 25** of the Revised Code of Ordinances as follows:

You are required pursuant to **Chapter 25, Article I, Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this Notice as follows:

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the President and City Council of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the City Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the City receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the City contends which constitute a nuisance and violation of City Ordinances within **five (5)** after having received notification of the Council's decision.

If you fail to comply and the nuisance is not abated within the time prescribed the City shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the City Ordinances and State law as well as institute a suit seeking a judicial order permitting the City to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

CHIEF OF POLICE
CITY OF HILLSBORO

Dated this _____ day of _____, 20____.

CITY OF HILLSBORO

**447 S Main St
Hillsboro, IL 62049**

NOTICE OF UNLAWFUL WEED, PLANT, OR GRASS GROWTH

TO: _____

You are hereby notified that the Chief of Police or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at _____, within the corporate limits of this City contains unlawful weed, plant, or grass growth as defined by **Chapter 25, Article II**, of the Revised Code of Ordinances, that being said growth that exceeds **eight (8) inches** in height. Any such weeds, plants, or grass are hereby declared to be a nuisance.

You are required to remove all said growth within **five (5) days** from the date of this Notice.

Please be advised that within said **five (5) day** period after service of notice upon you, that you may request a hearing before the President of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition on your property by cutting and removing all said weeds, plants, or grass that are in violation of City ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City. The hearing shall be scheduled within **five (5) days** after the City receives your request and shall be conducted by the Mayor or other person appointed by him. If your appeal or request for extension is denied you are then required to cut and remove all said weeds, plants, or grass within **five (5) days** after having received notification of the Mayor or his agent's decision. Oral notification is sufficient if rendered at the time of the hearing.

If you fail to comply the City shall proceed to issue the appropriate citation which may subject, you to the penalties prescribed by the City Ordinances and State law. In addition, the municipal authorities shall proceed to abate said nuisance; that is, cut and remove the offending grass, weeds or plants.

The cost of such growth removal shall be paid by you. Charges for said action, i.e., the cutting or removal of said weeds, plants, or grass including labor shall be a lien upon said premises. A bill for the cost and expenses incurred by the City shall be presented to you and if not paid within **thirty (30) days** of its submission, a Notice of Lien of said cost and expenses incurred by the City shall be recorded against the property.

Any property subject to said lien may be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. You are also subject to penalties as provided by the terms and provisions of the City code. The cost and expense of restitution, including all labor and material shall also be imposed as a penalty for each violation.

CHIEF OF POLICE
CITY OF HILLSBORO

Dated this _____ day of _____, 20____.

CITY OF HILLSBORO

**447 S Main St
Hillsboro, IL 62049**

NOTICE OF UNLAWFUL GARBAGE AND/OR DEBRIS OR TRASH

TO: _____

You are hereby notified that the Chief of Police has determined that property owned by you and/or occupied by you, or under your control as the case may be located at _____, within the corporate limits of this City contains garbage and/or debris or trash as defined by **Chapter 25, Article III** of the Revised Code of Ordinances of the City. The accumulation of said garbage, debris, or trash on said premises is hereby declared to be a nuisance and unlawful.

You are required to remove all such material within **five (5) days** from the date you receive this Notice.

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the President and City Council of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said garbage, debris, and trash. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after receipt of your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf, and cross-exam any witnesses presented by the City, that the formal rules of evidence shall not apply. If your appeal is denied, you are then required to remove all said garbage, debris, or trash within **five (5) days** after having received notification of the Council’s decision. If you fail to comply the City shall proceed to issue the appropriate citation, which may subject you to the penalties prescribed by the City ordinances and State law as well as institute a suit seeking a judicial order permitting the City to remove all materials and items in violation of law from your premises and dispose of same at your expense.

The corporate authorities shall keep an account of the expense incurred for said abatement, charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses thereof incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

CHIEF OF POLICE
CITY OF HILLSBORO

Dated this _____ day of _____, 20_____.

CITY OF HILLSBORO

**447 S Main St
Hillsboro, IL 62049**

NOTICE OF INOPERABLE VEHICLE

TO: _____

You are hereby notified that the Police Department has determined that an "inoperable vehicle(s)" owned by you and/or stored by you, or under your control as the case may be is located at _____, within the corporate limits of this City. That this constitutes an unlawful nuisance(s) as defined by **Chapter 25, Article IV, Section 25-4-1** of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable vehicles within **seven (7) days** from the date of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the President and City Council of the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said inoperable vehicle(s) that constitute a violation of the City Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within said **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30)** days after the City receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply.

If your contest or request for extension is denied, you shall then be required to remove all the inoperable vehicles which the City contends constitute a nuisance and a violation of City Ordinances within **seven (7) days** after having received notification of the Council's decision.

If you fail to comply and the nuisance is not abated within the time prescribed, the City shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the City Ordinances and State law as well as institute a suit seeking a judicial order permitting the City to removal all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

CHIEF OF POLICE
CITY OF HILLSBORO

Dated this _____ day of _____, 20_____.

CITY OF HILLSBORO

**447 S Main St
Hillsboro, IL 62049**

NOTICE OF DERELICT

TO: _____

You are hereby notified that the Chief of Police or other person designated by him to act on his behalf, has received a complaint, or a member of the Police Department has personally observed or has reasonable and probable cause to believe and conclude that a derelict _____ owned, stored, housed, or possessed by you or under your control as the case may be, is presently located _____, within the corporate limits of the City, that same is in view of the general public and is an unlawful nuisance(s) as defined by **Chapter 25, Nuisances, Article IV, et seq.** of the City Revised Code of Ordinances. This/these _____ is/are hereby declared to be a nuisance.

Pursuant to said ordinance you are ordered and required to abate said nuisance by removing and disposing of the object(s) described herein within **seven (7) days** after you receive a copy of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the City in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the City Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the City within **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the City received your request before a person appointed by the Mayor. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the City, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the City contends which constitute a nuisance and violation of City Ordinances within **seven (7) days** after having received notification of the decision.

If you fail to comply and the nuisance is not abated within the time prescribed the City shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the City Ordinances and State law as well as institute a suit seeking a judicial order permitting the City to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the City shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

CHIEF OF POLICE
CITY OF HILLSBORO

Dated this _____ day of _____, 20____.

CITY OF HILLSBORO

**447 S Main St
Hillsboro, IL 62049**

NOTICE OF DANGEROUS AND/OR UNSAFE BUILDING/STRUCTURE

TO: _____

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned **City of Hillsboro, Montgomery County, Illinois**, that said property has upon it a building/ structure which is:

(A) Dangerous and/or unsafe in that said building or structure has become so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living, that it is unfit for human habitation or is likely to cause sickness or disease, so as to cause injury to the health, morals, safety, or general welfare of those living therein now or hereafter; or

(B) Dangerous and/or unsafe in that said building or structure has light, air or sanitation facilities which are inadequate to protect the health, morals, safety, and general welfare of human beings who live or may live therein; or

(C) Dangerous and/or unsafe in that the condition of the building or structure is unsafe, unsanitary, or dangerous to the health, morals, safety, and general welfare of the people of this City; or

(D) Dangerous and/or unsafe in that the building or structure is uncompleted and/or abandoned; or

(E) Dangerous and/or unsafe pursuant to any of the terms and provisions of the City Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance.**

This building has been found to be a dangerous and unsafe building by the City officials. This Notice shall remain on this building until it is repaired, vacated, or demolished in accordance with the Notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this Notice until such notice is complied with.

That said building/structure is hereby declared to be a public nuisance and shall be repaired, vacated, or demolished as provided in the City Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance.**

The property is hereby legally described as follows: _____

Unless such building/structure is repaired, put into safe condition or demolished and all debris removed within **ninety (90) days** of the receipt of this Notice, the City shall apply to the Circuit Court for an order authorizing such action to be taken by the City with respect to the above-described building/structure. Any costs incurred by the City to restore the buildings to a safe condition or to demolish the building and remove debris shall be recovered from the owners of the above-described property pursuant to Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.

That the said costs incurred by the City shall be a lien on the property which lien shall be subordinate to all prior existing liens and encumbrances. The City shall file Notices of Lien in the office of the County Recorder of Deeds. Said lien may be enforced by proceeding to foreclosure as in the case of mortgages or mechanics of lien. A suit to foreclosure this lien shall be commenced within **three (3) years** after the date of filing Notice of Lien.

Dated this ____ day of _____, 20__.

CHAPTER 27 - OFFENSES

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CHAPTER 27

OFFENSES

ARTICLE I – DEFINITIONS

27-1-1 **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-22**, as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein. **(See 65 ILCS 5/1-3-2)**

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply. **(See 65 ILCS 5/1-3-2 and 5/11-1-1)**

ARTICLE II - GENERALLY

27-2-1 **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the City owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. **(See 65 ILCS 5/11-1-1)**

27-2-2 **IMPERSONATION OF OFFICER.** No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office. **(See 720 ILCS 5/32-5.1)**

27-2-3 **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. **(See 65 ILCS 5/11-5-2)**

27-2-4 **MOB ACTION.** A person commits mob action when he or she engages in any of the following:

- (A) the knowing or reckless use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law;
- (B) the knowing assembly of **two (2)** or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor; or
- (C) the knowing assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

(See 720 ILCS 5/25-1) (See 65 ILCS 5/11-5-2)

27-2-5 **LOOTING BY INDIVIDUALS.** A person commits looting when he or she knowingly without authority of law or the owner enters any home or dwelling or upon any premises of another, or enters any commercial, mercantile, business, or industrial building, plant, or establishment, in which normal security of property is not present by virtue of a hurricane, fire, or vis major of any kind or by virtue of a riot, mob, or other human agency, and obtains or exerts control over property of the owner. **(See 720 ILCS 5/25-4)**

27-2-6 **DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. **(See 65 ILCS 5/11-5-2)**

27-2-7 **ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 **SALE OF CIGARETTES OR TOBACCO TO MINORS.**
 (A) No person under **twenty-one (21)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any person under **twenty-one (21) years of age.**

(B) No person under **sixteen (16) years of age** may sell any tobacco product at a retail establishment selling tobacco products. This subsection does not apply to a salesclerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

(C) No person under **twenty-one (21) years of age** in the furtherance or facilitation of obtaining any tobacco product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(D) No person under **twenty-one (21) years of age** shall possess any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms.

(E) A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age:

- (1) within a retail establishment selling tobacco products, unless the retailer has verified the purchaser's age with a government issued identification;
- (2) from a lunch wagon; or
- (3) on a public way as a promotion or advertisement of a tobacco manufacturer or tobacco product.

This subsection (E) does not apply to the distribution of a tobacco product sample in any adult-only facility.

(F) Tobacco products listed in this Section may be sold through a vending machine only if such tobacco products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

- (1) places to which persons under **twenty-one (21) years of age** are not permitted access.
- (2) places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.
- (3) places where the vending machine can only be operated by the owner or an employee over age **twenty-one (21)** either directly or through a remote-control device if the device is inaccessible to all customers.

(G) The sale or distribution by any person of a tobacco product in this Section, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.

(See 720 ILCS 675/1)

27-2-9 SMOKELESS TOBACCO.

(A) **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under Twenty-One (21).** No person shall sell any smokeless tobacco product to any person under the age of **twenty-one (21)**.

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **twenty-one (21)**, without charge or at a nominal cost, any smokeless tobacco product. **(See 720 ILCS 680-1 et seq.)**

27-2-10 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-11 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. **(See 720 ILCS 5/31-7)**

27-2-12 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(See 720 ILCS 5/31-6(C))**

27-2-13 FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-14 RENTING PREMISES FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-15 AID TO AN OFFENSE. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-16 POSTING BILLS. It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper City and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-17 INTOXICATION IN PUBLIC. No person shall, in the City, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. **(See 65 ILCS 5/11-5-3)**

27-2-18 BEGGING. No person shall beg or solicit alms within the City without having obtained permission in writing from the Mayor. **(See 65 ILCS 5/11-5-4)**

27-2-19 CONCEALED WEAPONS. No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or hand gun, without being the holder of an Illinois Concealed Carry License. Additionally, no person, shall within the City, carry or wear under his clothes or conceal about his person any sling-shot, cross knuckles, knuckles of lead, brass or other metal, switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal. **(See 430 ILCS 66/1 et seq.)**

27-2-20 DISCHARGE OF FIREARMS OR BOW AND ARROW. It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City or so that the bullet, arrow, missile or projectile therefrom enters the City without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

27-2-21 GAMES IN STREET. No person shall, upon any City street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-22 STORAGE OF EXPLOSIVES.
 (A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.
 (B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding **five (5) pounds.** **(See 65 ILCS 5/11-8-4)**

27-2-23 **THROWING ROCKS.** No person in the City shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-24 **DESTRUCTION OF PUBLIC PROPERTY.** No person in the City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-25 **FORTUNE TELLING.** No person in the City shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-26 **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(See 720 ILCS 505/1)**

27-2-27 **HALLOWEEN CURFEW.** It shall be illegal for any person to engage in Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the City, either masked or unmasked, except on a day designated by the City Council and no later than **8:00 P.M.** **(See 65 ILCS 5/11-1-5)**

27-2-28 **THEFT OF RECYCLABLES UNLAWFUL.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the City limits unless said person is acting as an agent for the City or acting as an agent for a waste hauler licensed by the City.

27-2-29 **THROWING OBJECTS FROM MOTOR VEHICLES.** Pursuant to the police powers in **65 ILCS 5/11-1-1** it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the City Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

27-2-30 **DEPOSITING OF SNOW AND ICE RESTRICTED.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. **(See 65 ILCS 5/11-80-13)**

27-2-31 **PROTECTIVE COVERING OR FENCING.** Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding

such installation with protective fencing is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(See 720 ILCS 605/1)**

27-2-32

(A)

CURFEW HOURS FOR MINORS.**Definitions.** Whenever used in this Section.

- (1) **"Curfew hours"** means:
 - (a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
 - (b) 12:01 A.M. until 6:00 A.M. on Saturday; and
 - (c) 12:01 A.M. until 6:00 A.M. on Sunday.
- (2) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
- (4) **"Guardian"** means:
 - (a) A person who, under court order, is the guardian of the person of a minor; or
 - (b) A public or private agency with whom a minor has been placed by a court.
- (5) **"Minor"** means any person under **eighteen (18) years** of age.
- (6) **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **"Parent"** means a person who is:
 - (a) A natural parent, adoptive parent, or stepparent of another person; or
 - (b) At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9) **"Remain"** means to:
 - (a) linger or stay; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B)

Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any

public place or on the premises of any establishment within the City during curfew hours.

- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C)

Defenses.

- (1) It is a defense to prosecution under subsection (B) that the minor was:
- (a) Accompanied by the minor’s parent or guardian;
 - (b) On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
 - (c) In a motor vehicle involved in interstate travel;
 - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (e) Involved in an emergency;
 - (f) On the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence;
 - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the minor;
 - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.
- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D)

Enforcement.

Before taking any enforcement action under this Section, a police officer shall ask the apparent offender’s age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present. **(See 65 ILCS 5/11-1-5 and 720 ILCS 555/1)**

27-2-33 SANCTITY OF FUNERAL AND MEMORIAL SERVICES. It shall be unlawful for a person to violate any of the following provisions of this Section:

- (A) Engaging in any loud protest of singing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or
- (B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates. **(See 720 ILCS 5/26-6)**

27-2-34 **USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS PROHIBITED.**

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

- (1) on unenclosed exterior porches or balconies;
- (2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

- (1) wood, metal, or plastic furniture;
- (2) outdoor patio furniture with weather-resistant cushions;
- (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

27-2-35 **NOISE.**

(A) **Prohibited; Enumeration.** The creating of any unreasonably loud, disturbing and unnecessary noise within the City limits is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited. The following, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- (1) **Blowing Horns.** The sounding of any horn or signal device on any automobile, motorcycle or bus, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) **Radios, Etc.** The playing of any radio, music player such as a boom box, tape cassette, disc player, smart phones, etc. played through exterior speakers, portable speakers (Bluetooth) or television, audio system or musical instrument or live band in such a manner or with such volume, between the hours of **10:00 P.M.** and **7:00 A.M.** Sunday through Thursday and **11:00 P.M.** and **7:00 A.M.** Friday and Saturday in such a manner as to be plainly audible beyond the boundaries of the premises upon which such equipment is operated or used, shall be prima facie evidence of a violation of this Section.

27-2-36 **FALSE REPORT OF THEFT AND OTHER LOSSES.** It is unlawful for a person to knowingly make a false report of a theft, destruction, damage or conversion of any property to a law enforcement agency or other governmental agency with the intent to defraud an insurer. **(See 720 ILCS 5/26-1.1)**

27-2-37

(A)

HARASSING AND OBSCENE COMMUNICATIONS.**Definitions.** As used in this Section:

- (1) **Electronic communication** means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.
- (2) **Family or household member** includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between **two (2)** individuals in business or social contexts shall be deemed to constitute a dating relationship.
- (3) **Harass or harassing** means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

(B)

Transmission of Obscene Messages.

- (1) A person commits transmission of obscene messages when he or she sends messages or uses language or terms which are obscene, lewd or immoral with the intent to offend by means of or while using a telephone or telegraph facilities, equipment or sires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois.
- (2) The trier of fact may infer intent to offend from the use of language or terms which are obscene, lewd or immoral.

(C)

Harassment by Telephone.

- (1) A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes:
 - (a) making any comment, request, suggestion or proposition which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
 - (b) making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
 - (c) making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
 - (d) making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
 - (e) making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under **thirteen (13) years of age**, regardless of whether the person under **thirteen (13) years of age** consents to the harassment, if the defendant is at least **sixteen (16) years of age** at the time of the commission of the offense; or
 - (f) knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

- (2) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this Section. The notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word "WARNING". All telephone companies in this State shall cooperate with law enforcement agencies in using their facilities and personnel to detect and prevent violations of this Article.

(See 720 ILCS 5/26.5)

27-2-38 TOBACCO AND ELECTRONIC SMOKING DEVICES.

(A) **Definitions.** For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) **Tobacco Products.** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, nicotine gels and dissolvable nicotine products or any electronic smoking device.
- (2) **Electronic Smoking Device.** An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other regulated substances. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, hookah pen, vape pens or any other product name or descriptor. An electronic smoking device excludes any product approved by the United States Food and Drug Administration as a nontobacco product used for medicinal purposes and is being marketed and sold solely for that approved purpose.

(B) **Purchases by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to purchase tobacco products or electronic smoking devices, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products and electronic smoking devices.

(C) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to possess any tobacco products or electronic smoking devices, provided that the possession by a person under the age of **twenty-one (21) years** under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(D) **Use in City Park.** It shall be unlawful for any person to smoke tobacco products and electronic smoking devices in the City Park.

27-2-39 MDPV AND KRATOM PROHIBITED.

(A) **Purposes.** This Section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City by prohibiting the use, possession, distribution or delivery of any substance containing MDPV or Kratom as hereinafter defined, it being the specific finding of the City that such substances have a dangerous effect upon anyone using and/or ingesting said substances and have no medicinal or beneficial purposes.

(B) **Definitions.** When used in this Chapter, the following words have the meanings as hereinafter provided:

- (1) **Use.** The partaking, inhaling, smoking, consumption, ingestion or injection of MDPV or Kratom.
- (2) **Deliver.** The actual, constructive, or attempted transfer from one person to another of MDPV or Kratom, whether or not there is an agency relationship, and includes a sale.

- (3) **Distribute.** To deliver other than by administering or dispensing MDPV or Kratom.
- (4) **MDPV.** Includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3.4 Methylenedioxyprovalerone, Methylone, Mephedrone, 4-methoxymethcathinone, 4-Fluormethcathinine, and 3-Fluoromethcathinone.
- (5) **Kratom.** Includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: the leaves, bark, or other parts of a tropical tree known as "Mitragyna speciose" containing psychoactive opioid compounds, and sometimes known as: Herbal Speedball, Biak-Biak, Ketum, Kahuam, Ithang and Thom.
- (6) **Possess** means with the knowledge of the presence and nature of a substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

(C) **General Prohibition.** It shall be unlawful for any person to use, possess, distribute or delivery any substance containing MDPV or Kratom as defined in this Chapter.

27-2-40 FIREARMS. No person shall within the City:

- (A) 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.
- (B) Set a spring gun.
- (C) 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 other deadly weapon.
- (D) Discharge any pistol, revolver or other firearm, air pistol or rifle or pellet gun of any kind or sling-shot. Provided however, this paragraph **27-2-19(D)** shall not apply to:
 - (1) The area known as the Fireman's Lodge grounds located in Hillsboro City Lake Park when a trap shoot is being conducted and gravel pit area on east side of Hillsboro City Lake when used for target practice by police officers of the City of Hillsboro or other persons who have first obtained written permission for target practicing from the Chief of Police or Police Commissioner. **(Ord. No. 975; 10-13-81)**
 - (2) The classes in the use of firearms supervised by the Hillsboro City Police Department after obtaining permission for the use of the gravel pit for such purpose from the City Council. **(Ord. No. 1012; 09-13-83)**
- (E) This Section does not apply to a peace officer or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer; a keeper of a jail or other institution for the detention of persons accused or convicted of an offense, while in the performance of his official duty, or while commuting between his home and place of employment. **(Ord. No. 739; 03/26/68)**

27-2-41 LOITERING.

(A) **Definitions.**

- (1) **"Loitering"** shall mean remaining in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, and to stand around.

- (2) **"Public Place"** shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, hotel, motel or inn, tavern or other place of business and also public streets, ways, grounds, areas or parks.

(B) **Loitering Prohibited.** It shall be unlawful for any person to loiter either alone and/or in consort with others in a public place in such manner so as to:

- (1) **Obstruct Traffic.** Obstruction of any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or, impede the free and uninterrupted passage of vehicle traffic or pedestrians.
- (2) **Interfere with Business or Property Use.** Commit in or upon any street, public highway, public sidewalk, other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and/or any uninterrupted ingress and egress, and regress therein, thereon, and thereto.

(C) **Violation.** Refusal by an individual to obey immediately personally communicated order by a law enforcement officer to leave an area shall constitute a violation of this Section and result in a citation for loitering. **(Ord. No. 1331; 08-14-01)**

27-2-42 BOW HUNTING RESTRICTIONS.

(A) Bow hunting on City owned property is prohibited except in areas designated by the Commissioner of Public Property or his designee, by hunters issued a permit by the Commissioner of Public Property or his designee.

(B) There shall be a permit application fee in the amount of **Twenty Dollars (\$20.00)** for City residents, **Twenty-Five Dollars (\$25.00)** for County residents and **Thirty Dollars (\$30.00)** for out of county residents.

(C) The penalty for violating this Section shall be a fine of not less than **Two Hundred Dollars (\$200.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**. **(Ord. No. 1506; 10-27-09)**

27-2-43 OPENING MAIL ADDRESSED TO ANOTHER PERSON. No person shall open any mail, whether processed by the U.S. Postal Service or otherwise, clearly addressed to another individual, at any premises owned by the City, unless directed to do so as part of their duties as a City employee, officer, official or contractor. **(Ord. No. 1483; 09-23-08)**

27-2-44 BICYCLES. It is unlawful for a person to ride a bicycle upon the sidewalks along the East side and West side of Main Street from North side of Seward Street to the South side of Tilson Street. **(Ord. No. 887; 09-27-77)**

27-2-45 SKATEBOARDS. It is unlawful for a person to be upon and/or ride a skateboard upon the sidewalks within the area encompassing the North side of Seward Street to the South side of School Street and between Berry and Hamilton Streets. **(Ord. No. 887; 09-27-77)**

(A) Skateboard is defined as a board of any material or shape to which is attached to wheels for the purpose of transporting a person or persons with or without motors.

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

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ARTICLE III - OFFENSES AGAINST PROPERTY**27-3-1****PETTY THEFT.** A person commits theft when he or she knowingly:

- (A) obtains or exerts unauthorized control over property of the owner; or
- (B) obtains by deception, control over property of the owner; or
- (C) obtains by threat, control over property of the owner; or
- (D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; or
- (E) obtains or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen; and
 - (1) intends to deprive the owner permanently of the use or benefit of the property; or
 - (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or
 - (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
- (F) It shall be unlawful to commit a theft.

(See 720 ILCS 5/16-1)**27-3-2****CRIMINAL DAMAGE TO PROPERTY.** A person commits criminal damage to

property when he or she:

- (A) knowingly damages any property of another;
- (B) recklessly by means of fire or explosive damages property of another;
- (C) knowingly start a fire on the land of another;
- (D) knowingly injure a domestic animal of another without his or her consent;
- (E) knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building;
- (F) knowingly damages any property, other than as described in paragraph (2) of subsection (a) of Section 20-1, with intent to defraud an insurer;
- (G) knowingly shoots a firearm at any portion of a railroad train;
- (H) knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private fire-fighting equipment or any apparatus appertaining to firefighting equipment; or
- (I) intentionally, without proper authorization, opens any fire hydrant.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding nor not exceeding the specified value.

(See 720 ILCS 5/21-1)**27-3-3****INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully,

maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric light post, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-4 **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the City.

27-3-5 **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(See 720 ILCS 5/32-9)**

27-3-6 **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(See 720 ILCS 5/21-1.1)**

27-3-7 **TRESPASS TO CITY PROPERTY.**
(A) No person shall be present on any City property after any established closing hour for said property without permission obtained in advance from the Chief of Police. Any person who violates this Section shall be guilty of TRESPASS TO CITY PROPERTY.
(B) Lincoln Plaza shall be closed from **7:00 P.M. to 7:00 A.M.**
(C) The Veteran's Memorial shall be closed from **7:00 P.M. to 7:00 A.M.**
(See Section 1-1-20 for penalty.) (Ord. No. 1582; 06-25-13)

ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY

27-4-1 **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he or she knowingly:

(A) does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(B) transmits or causes to be transmitted in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that such fire exists;

(C) transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;

(D) transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;

(E) transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;

(F) transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or

(G) calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;

(H) transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;

(I) transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, and ID/DD Community Care Act, or the MC/DD Act;

(J) transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;

(K) transmits or causes to be transmitted a false report under Article II of Public Act 83-1432;

(L) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(M) while acting as a collection agency as defined in the Collection Agency Act or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.

(See 720 ILCS 5/26-1)

27-4-2 **RESISTING OR OBSTRUCTING A PEACE OFFICER.** A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(See 720 ILCS 5/31-1)**

27-4-3 **REFUSING TO AID AN OFFICER.** A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

- (A) apprehending a person whom the officer is authorized to apprehend; or
- (B) preventing the commission by another of any offense.

(See 720 ILCS 5/31-8)

27-4-4 **ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.**

(A) **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two inches (2") or more in height and readable:

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

(See 65 ILCS 5/11-5-2)

27-4-5 **TRAPPING ANIMALS.** It shall be unlawful for anyone to trap game or fur-bearing animals in the City.

27-4-6 **TOBACCO PRODUCT USE AT LINCOLN PLAZA AND VETERAN'S MEMORIAL.**

- (A) **Definition.**
 (1) "Tobacco product" means all tobacco and tobacco related products, including but not limited to cigarettes, cigars, pipes, chewing tobacco, dip, snort, snuff or similar tobacco related products.
 (B) The use of tobacco products is strictly prohibited at or on Lincoln Plaza and the Veteran's Memorial.
 (C) Any person who violates this Section shall be fined not less than **Seventy-Five Dollars (\$75.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**.
(Ord. No. 1582; 06-25-13)

27-4-7 **TOBACCO PRODUCT USE AT SPORTS RELATED FACILITIES.**

- (A) **Definitions.**
 (1) "**Sports Facility**" means the Hillsboro Sports Complex and all ball fields, soccer fields, concession and seating areas therein; and Central Park and all of its ball fields, swimming pools, concession and seating areas therein, excepting the parking areas of both facilities.
 (2) "**Tobacco Products**" means all tobacco and tobacco related products, including but not limited to cigarettes, cigars, pipes, chewing tobacco, dip, snort, snuff, or similar tobacco related products.
 (B) The use of tobacco products shall be limited to designated areas at the Hillsboro Sports Complex, said designated area shall be, at a minimum, the parking lot area; the use of tobacco products on any playing field is hereby strictly prohibited.
 (C) The use of tobacco products shall be limited to designated areas at Central Park; the use of tobacco products on any playing field is hereby strictly prohibited.
 (D) Anyone who violates these provisions shall be subject to any and all fines and penalties provided by **Section 1-1-20** of the Revised Code of Ordinances. **(Ord. No. 1307; 06-27-00)**

27-4-8 **EPHEDRINE BASED PRODUCTS.**

- (A) No vendor of ephedrine and psuedoephedrine shall sell more than **two (2) packages** of ephedrine and psuedoephedrine to an individual on any single day.
 (B) All vendors of ephedrine and psuedoephedrine shall display said products in a location not accessible to the general public.
 (C) All vendors of ephedrine and psuedoephedrine shall require all purchasers of said products to sign a document acknowledging the receipt of said product and its description and quantity. Said document shall be made available to the Hillsboro Police Department upon request by the Police Department. The vendor shall request the purchaser produce a photo identification card at the time of purchase. **(Ord. No. 1375; 10-14-03)**

27-4-9 **POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR.**

- (A) No person under the age of **twenty-one (21) years** shall consume alcoholic liquor, unless otherwise authorized by state law.
 (B) No person under the age of **twenty-one (21) years** shall have alcoholic liquor in their possession, unless otherwise authorized by state law.

(C) The fine for a violation of this Section shall be **One Hundred Fifty Dollars (\$150.00)** if paid within **ten (10) days** of issuance of a citation therefor, and **One Hundred Seventy-Five Dollars (\$175.00)** if paid after **ten (10) days** but within **thirty (30) days** of issuance of a citation.

(Ord. No. 1534; 06-28-11)

27-4-10 POSSESSION OF DRUG PARAPHERNALIA.

(A) **Definitions.** The definitions found in Section 600/2 of the Illinois Drug Paraphernalia Control Act, **720 ILCS 600/2**, shall apply hereto.

(B) No person shall possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, except as otherwise authorized by **720 ILCS 600/3.5** and **720 ILCS 600/4**.

(C) The fine for a violation of this Section shall be **Two Hundred Fifty Dollars (\$250.00)** if paid within **ten (10) days** of issuance of a citation therefor, and **Two Hundred Seventy-Five Dollars (\$275.00)** if paid after **ten (10) days** but within **thirty (30) days** of issuance of a citation.

(Ord. No. 1534; 06-28-11)

27-4-11 POSSESSION OF 2.5 GRAMS OR LESS OF A SUBSTANCE CONTAINING CANNABIS.

(A) **Definitions.** The definitions found in Section 550/3 of the Cannabis Control Act, **720 ILCS 550/3**, shall apply hereto.

(B) It is unlawful for any person knowingly to possess 2.5 grams or less of any substance containing cannabis.

(C) The fine for a violation of this Section shall be **Two Hundred Fifty Dollars (\$250.00)** if paid within **ten (10) days** of issuance of a citation therefor, and **Two Hundred Seventy-Five Dollars (\$275.00)** if paid after **ten (10) days** but within **thirty (30) days** of issuance of a citation.

(Ord. No. 1534; 06-28-11)

ARTICLE V - ANTI-LITTER

27-5-1 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A) advertise for sale any merchandise, product, commodity or thing; or
- (B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the City.

"VEHICLE" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 **LITTERING PROHIBITED.** No person shall deposit any litter within the City except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 **PREVENTION OF SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 **RECEPTACLES - UPSETTING OR TAMPERING.** No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 **SIDEWALKS AND ALLEYS FREE FROM LITTER.** Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 **OWNER TO MAINTAIN PRIVATE PREMISES.**
(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 **LITTERING FROM VEHICLES.** No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises. In the event a violation occurs in this Section or any other section of the statute, the violator shall be subject to a minimum fine of **Two Hundred Fifty Dollars (\$250.00)** and a maximum fine of **Seven Hundred Fifty Dollars (\$750.00)**. **(Ord. No. 1717; 10-12-21)**

27-5-8 **LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the City.

27-5-9 **LITTER IN PARKS.** No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 **HANDBILLS.**
(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.
(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.
(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political

literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.
(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.
(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE CITY. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

27-5-16 PENALTY. Any person in violation or found to be in violation shall be subject to a minimum fine of **Two Hundred Fifty Dollars (\$250.00)** and a maximum fine of **Seven Hundred Fifty Dollars (\$750.00)**. (Ord. No. 1717; 10-12-21)

(See 65 ILCS 5/11-1-1 and 415 ILCS 105/1 et seq.)

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(See 65 ILCS 5/11-5-2)

ARTICLE VII - PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

"ACTS OF VANDALISM AND SIMILAR OFFENSES" shall include any of the following acts:

(A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the City, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or

(B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or

(C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or

(D) maliciously, recklessly or knowingly depositing on without his consent, compound and thereby another of the land or land or in the building of another person any stink bomb or any offensive smelling interfering with the use and occupancy by building; or

(E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

"LEGAL GUARDIAN" shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act.**

"MINOR" shall include a person who is above the age of **eleven (11) years**, but not yet **eighteen (18) years** of age.

"PARENT" shall include the lawful father and mother of a minor child whether by birth or adoption.

"PROPERTY" shall include any real estate including improvements thereon and tangible personal property.

27-7-2 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned from the City, following said adjudication or non-judicial sanctions; and

(C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred on judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

(See 740 ILCS 115/1 et seq. and 740 ILCS 115/4)

(See also 740 ILCS 5/21-1.2 et seq.)

ARTICLE VIII - OBSCENITY

27-8-1 **OBSCENITY.**

(A) **Elements of the Offense.** A person commits an obscenity when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- (6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest; that is, shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters, a thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate.

27-8-2 **HARMFUL MATERIAL.**

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) **Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient

interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.

- (2) **"Material"** as used in this Code means any writing, picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.
- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
 - (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

"NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor."

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(See 65 ILCS 5/11-5-1)**

27-8-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS. Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(See 720 ILCS 5/11-22)**

ARTICLE IX - OPEN BURNING

27-9-1 DEFINITIONS. Terms used in this Article shall have the following meanings:

Campfire. A small open outdoor fire intended for recreation, cooking, or ceremonial purposes, not including a fire intended for disposal.

Landscape Waste. Any vegetable or plant refuse, except garbage. The term includes clean wood, trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, grass clippings, shrubbery, plant prunings, and yard trimmings or combinations thereof.

Open Burning. The burning or kindling of any materials wherein the products of combustion are emitted directly into the air, without passing through a stack or chimney.

Paper. Notebook paper, cardboard, newspaper, magazines, paper containers, or other paper or wooden packaging.

Responsible Adult. An individual **eighteen (18) years** or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

Safe. Burning that is conducted in conformance with all local and state regulations.

Smolder. A fire that is burning without a flame and with smoke.

Sunrise. The time of sunrise for the date in question as published in the Illinois State Journal-Register.

Sunset. The time of sunset for the date in question as published in the Illinois State Journal-Register.

(Ord. No. 1468; 11-27-07)

27-9-2 APPLICABILITY. This Article applies to all open burning and outdoor fires involving the burning of any and all materials or fuels within the City, with the following exceptions:

(A) This Article does not prohibit or regulate the burning of fuels in domestic fireplaces, in areas where such burning is consistent with the other laws, provided that no garbage shall be burned in such cases.

(B) This Article does not prohibit, regulate, or apply to grilling, barbecuing, or cooking using charcoal, wood, propane, or natural gas.

(C) This Article does not prohibit, regulate, or apply to campfires used for cooking, recreational, or ceremonial purposes, provided that the fire is confined by a control device or structure, such as fire ring or fire pit. A fire ring shall be constructed of rocks or other similar non-combustible materials.

(D) This Article does not prohibit, regulate, or apply to outdoor wood-fired furnaces, in areas where such burning is consistent with the other laws, provided that no garbage shall be burned in such cases.

(E) This Article does not prohibit, regulate, or apply to the burning of refuse in any chamber or apparatus, provided that such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

(F) This Article does not prohibit, regulate, or apply to the burning of wood or any other material pursuant to a permit obtained from the Illinois Environmental Protection Agency and in compliance with such requirements.

(G) This Article does not prohibit or regulate fires set by the City or its employees, agents, or contractors, or by any other governmental entity; when done within the scope of their governmental duties. **(Ord. No. 1468; 11-27-07)**

27-9-3 GENERAL PROHIBITION. All open burning and outdoor fires in the City are prohibited unless in accordance with this Article. **(Ord. No. 1468; 11-27-07)**

27-9-4 EXCEPTION TO PROHIBITION. Burning of landscape waste is allowed only in accordance with each of the following provisions, conditions, restrictions, and limitations:

(A) Open burning shall be conducted in a safe, nuisance-free manner and only if it does not create a health hazard or a visibility hazard on roadways, alleyways, highways, sidewalks, railroad tracks, or airfields. Fires must be immediately extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health. Any fire which continues after conditions have changed so that it is no longer appropriate for burning shall be extinguished promptly by the person or persons starting or tending the fire.

(B) Open burning shall be conducted only when wind, weather, and atmospheric conditions are such as to readily dissipate contaminants and minimize adverse effects.

(C) Open burning shall be conducted only on the premises on which the landscape waste was generated.

(D) There shall be no burning of wet landscape waste. Landscape waste may be burned only when the landscape waste has a moisture content sufficiently low enough to allow an open and visible flame to burn and not smolder.

(E) No person may burn trash, rubbish, garbage, or general household waste or commercial waste, or construction or demolition debris, except that small quantities of paper or dimensional lumber may be used as a starter fuel to kindle or rekindle a fire.

(F) No landscape waste may be burned upon any paved or unpaved street, highway, road, roadway, curb, alley, gutter, sidewalk, right-of-way, or other public property, except for designated areas set aside for such purpose by the City.

(G) All fires shall be constantly attended and supervised by a responsible adult until the fire is fully extinguished. The responsible adult should have readily available for use such proper extinguishing equipment adequate for the size of the fire as may be necessary for the total control of the fire.

(H) The Hillsboro Fire Department shall be notified in advance if the pile to be burned exceeds **one thousand (1,000) cubic feet.**

(I) All burning shall comply with other federal, state, and local laws, rules, and ordinances. **(Ord. No. 1468; 11-27-07)**

27-9-5 HOURS OF BURNING.

(A) Open burning of landscape waste is permitted after **10:00 A.M.** and before sunset on Mondays through Fridays; provided, however, that there shall be no open burning of landscape waste prior to **4:00 P.M.** on days when school is in session in the following areas:

- (1) Hilltop Drive, Briarwood Drive, and Haley Drive;
- (2) An area bounded by East Fairground Avenue on the South, East Tremont Street on the North, Lakeview Drive on the East, and Vandalia Street on the West; and
- (3) An area bounded by Yale Avenue on the South, Highland Avenue on the North, South Oak Street on the East, and Cedar Street on the West.

(B) Open burning of landscape waste is permitted after sunrise and before sunset on Saturdays and Sundays.

(C) In any event, every fire must be completely extinguished and smoke free at the time of sunset for the date in question.

(D) No open burning of landscape waste is permitted on Halloween or on the days designated by the City for trick-or-treating.

(E) The Commissioner of Public Works may establish times wherein the public works department shall perform extra or special cleanup activities. During these cleanup times, days and hours of allowed open burning of landscape waste may be amended or suspended. **(Ord. No. 1468; 11-27-07)**

27-9-6 **ENCOURAGED AND RECOMMENDED ALTERNATIVES TO OPEN BURNING OF LANDSCAPE WASTE.** The City encourages and recommends the following alternatives to open burning of landscape waste:

- (A) Shredding of leaves while mowing and leaving the mulch on the lawn to add nutrients to the soil;
- (B) Mulching of grass clippings and/or shredding of leaves while mowing and using shredded leaves and/or grass clippings to mulch around shrubs and garden plants; and
- (C) Mulching of grass clippings and/or shredding of leaves while mowing, collecting clippings and shredded leaves, and creating an on-site compost pile.

(Ord. No. 1468; 11-27-07)

27-9-7 **EMERGENCY BURNING BAN.** In the event of extreme weather conditions or other necessary circumstances, the Mayor, in his sole discretion, may temporarily ban all open burning permitted by this Article for a period not to exceed **seven (7) days**. The Mayor may extend any temporary ban for a period not to exceed **thirty (30) days** with the advice and consent of the City Council. **(Ord. No. 1468; 11-27-07)**

27-9-8 **RIGHT OF ENTRY AND INSPECTION.** All duly acting City officials shall have authority to enter and inspect any property for the purpose of ascertaining compliance with the provisions of this Article. **(Ord. No. 1468; 11-27-07)**

27-9-9 **LIABILITY.**

(A) In the absence of any evidence to the contrary, the owner and the resident of the property on which a fire is located in violation of this Article shall be presumed to be responsible for such fire and shall be jointly liable.

(B) Any person who allows the accumulation or existence of combustible material which constitutes to open burning may not refute liability for violation of this Article on the basis that said fire was set by vandals, an accident, or an act of God.

(C) Any person responsible for an outdoor fire shall be liable for all fire suppression costs and any other liability resulting from damage caused by the fire.

(Ord. No. 1468; 11-27-07)

27-9-10 **ADMINISTRATION.** The provisions of this Article are enforceable by the Code Enforcement Officer or the Police Department acting on his/her/their own initiative or at the request of the Mayor or of any City Council member. The Code Enforcement Officer or the Police Department may order the extinguishment of any fire, which, in the opinion of the officer on duty, violates this Article or generates excessive smoke. **(Ord. No. 1468; 11-27-07)**

27-9-11 **PENALTIES.** All actions in violation of this Article are hereby determined and defined to constitute a threat to public health, and, the enforcement of this Article being in the public interest and necessary to the safety of the residents of the City, any person found in violation of this Article shall be subject to the following procedures:

(A) The Code Enforcement Officer or the Police Department shall issue a warning notice to a first-time violator stating that he or she is in violation if, in the discretion of the officer, there was no injury to person, there was no damage to property, and the safety of others was not jeopardized. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in a citation being issued.

(B) Issuance of a citation to the violator shall result in the imposition of a minimum fine of **Fifty Dollars (\$50.00)** for the first violation, **One Hundred Fifty Dollars (\$150.00)** for the second violation, **Two Hundred Fifty Dollars (\$250.00)** for the third violation, and not less than

Three Hundred Dollars (\$300.00) for any subsequent violation. In no event shall the fine exceed **Seven Hundred Fifty Dollars (\$750.00)**. To avoid prosecution for a first or second offense under this Article, a violator may, within **ten (10) days** of receiving a citation, settle the citation by payment of **one-half (1/2)** of the specified fine to the City Clerk.

(C) Failure or refusal by the violator to immediately extinguish the fire in violation of this Article shall also result in the Fire Department having the authority to go upon private property to extinguish said fire. Any violator shall be liable for the costs of extinguishing any illegal fire.

(D) Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued shall be considered a separate offense. Each day on which any violation occurs shall constitute a separate offense. Each provision, condition, restriction, or limitation of this Article which is violated shall constitute a separate offense.

(E) In addition to such fine or penalty and extinguishment costs, any person violating the provisions of this Article shall also be required to pay the cost of any other expenses, fees, costs, and disbursements incurred by the City in enforcing or prosecuting the terms of this Article.

(Ord. No. 1468; 11-27-07)

27-9-12 PROSECUTION. Prosecution of violations of this Article may be conducted by the City Attorney in the name of the City, unless the violator for a first or second offense under this Article, has, within **ten (10) days** of receiving a citation, settled the citation by payment of **one-half (1/2)** of the specified fine to the City Clerk. **(Ord. No. 1468; 11-27-07)**

ARTICLE X – PROHIBITION OF THE SALE, POSSESSION, OR DELIVERY OF SYNTHETIC CANNABIS

27-10-1 **DEFINITIONS.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A) **Synthetic Cannabis.** It is a herbal and chemical product which mimics the effects of Cannabis including but not limited to synthetic Cannabinoids, Cannabicyclohexanol, JWH-018, JWH-073, JWH-250 and HU-210.

(B) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis.

(C) **Knowledge.** Knows, acts knowingly or with knowledge.

(D) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing the synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

(E) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(F) **Possession.** Possession may be either actual or constructive.

(1) Actual possession means exercising physical dominion.

(2) Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the synthetic cannabis.

27-10-2 **POSSESSION OF SYNTHETIC CANNABIS PROHIBITED.**

(A) **Violation.** No person shall possess any substance containing synthetic cannabis.

(B) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and not more than **One Thousand Dollars (\$1,000.00)**.

(C) **Administration Fee.** In addition, any person who violates any provision of this Section and pleads guilty or is convicted by a court of law shall be ordered to pay an administrative fee of **Two Hundred Dollars (\$200.00)** to the law enforcement agency for testing of the substance collected.

(D) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any synthetic cannabis pursuant to **720 ILCS 550/11** as hereafter amended, shall be exempt from the provisions of this Section.

(Ord. No. 1521; 03-08-11)

ARTICLE XI – PROHIBITION OF SYNTEHTIC COCAINE

27-11-1 **DEFINITIONS.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine.** Includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Loud Nine, Charge Plus, White Lightening, Scarface, Hurricane, Charles Red Dove and White Dove. It is a herbal and chemical product which mimics the effects of cocaine, including but not limited to Methylenedioxypropylamphetamine, (a psychoactive drug), or cathinone derivatives.

(B) **"Deliver or Delivery".** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.

(C) **"Knowledge".** Knows, acts knowingly or with knowledge:

- (1) The nature or attendant circumstances of his/her conduct described by the section defining the offense when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.
- (2) The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
- (3) Knowledge may be inferred from the surrounding circumstances.
- (4) "Bath salts" a substance that contains methylenedioxypropylamphetamine (MDPV) or contains norepinephrine-dopamine reuptake inhibitor (NDRI).

(D) **"Manufacture".** The production, preparation, propagation, compounding, conversion or processing the synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.

(E) **"Person".** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(F) **"Possession".** Possession may be either actual or constructive.

- (1) Actual possession means exercising physical dominion.
- (2) Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

27-11-2 **POSSESSION OF SYNTHETIC COCAINE OR SUBSTANCE CONTAINING COCAINE OR "BATH SALTS" PROHIBITED.**

(A) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.

(B) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Five Hundred Dollars (\$500.00)** and no more than **One Thousand Dollars (\$1,000.00)**.

(C) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **Two Hundred Fifty Dollars (\$250.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.

(D) **Forfeiture.** Any items which may be seized or forfeited pursuant to **Section 720 Illinois Compiled Statutes 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.

(E) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

(Ord. No. 1522; 03-22-11)

ARTICLE XII – TRUANCY AND CURFEW CODE

27-12-1 DEFINITIONS. As used in this Article unless the context requires otherwise the following words and phrases shall mean:

"CITY CURFEW HOURS" means the period of time specified in **Section 27-2-31** of the Chapter.

"COURT" means the 4th Judicial Circuit; Montgomery County, Illinois.

"CUSTODIAN" means:

- (A) a person who under court order is the custodian of the person of a minor or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor; or
- (C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **eighteen (18) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the City and/or the court as an agency which provides service to improve education performance and/or attendance.

27-12-2 CURFEW RESTRICTIONS.

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the City during curfew hours.

(C) It is a defense to prosecution under **Section 27-12-2(A) and (B)** or **Section 27-12-4** (hereinafter) that the minor was:

- (1) accompanied by the minor’s parent, guardian, custodian or responsible adult;
- (2) on an errand at the direction of the minor’s parent, guardian, custodian or responsible adult; without any detour or stop;
- (3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
- (4) engaged in, going to or returning home from an employment activity without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor’s residence;
- (7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.

27-12-3 TRUANCY RESTRICTIONS.

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the City during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the City during truancy curfew hours.

(C) It is a defense to prosecution under this Section or **Section 27-12-4** that the minor was:

- (1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6) a bona fide participant in an alternative education or home-schooling program;
- (7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-12-4 ESTABLISHMENT RESTRICTIONS. It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-12-2** or **27-12-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-12-2** or **27-12-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-12-5 ENFORCEMENT RESTRICTIONS. Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars (\$25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(C) A citation issued hereunder this shall be in writing and shall:

- (1) state the name of the person being cited and the person's address if known;
- (2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;
- (3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-12-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-12-6 PENALTY.

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined as provided in **Section 1-1-20** of this Code. **(See also Section 1-1-20)**

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, custodian, guardian or other adult having legal

care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, custodian, guardian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-8-7** hereinafter.

27-12-7 **CIVIL LIABILITY.** If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, custodian, guardian or other adult having legal care or custody of the minor shall be jointly and severally liable for the costs, therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-12-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the City in collecting.

(65 ILCS 5/11-5-9)

ARTICLE XIII – ADULT USES REGULATED

27-13-1 **PURPOSE AND ADDITIONAL FINDINGS.**

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the City. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The City Council finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult-oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non-A, Non-B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.
- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Article.

27-13-2 **DEFINITIONS.** As used in this Article:

(A) **"Adult Oriented Business"** means an establishment as defined in the City

Code.

(B) **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) **"Nude"** means the showing of:

- (1) Human male or female genitals or pubic area with less than a fully opaque covering; or
- (2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
- (3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) **"Person"** means any live human being aged **ten (10) years** of age or older.

(E) **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-13-3 PROHIBITION. It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-13-4 LIMITATION. This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

27-13-5 ADULT ENTERTAINMENT FACILITY. It shall be unlawful within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. **(See 65 ILCS 5/11-5-1.5)**

ARTICLE XIV – SMOKE FREE AIR CODE

27-14-1 BACKGROUND. Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the City, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

27-14-2 PURPOSE. This Article may be cited as the "Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within **twenty-five (25) feet** of all public entrances to such places, in open air public dining areas and within **twenty-five (25) feet** of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

27-14-3 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

"Business" means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.

"City" means the City of Hillsboro, Illinois.

"Club" means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members, and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

"Employee" means any person who is employed or retained by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

"Employer" means any business that employs one or more employees.

"Enclosed Area" means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

"Open Air Dining Area" means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engage din purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

"Outdoor Event" means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

"Outdoor Venue" means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

"Place of Employment" means an area under the control of a public or private employer within the City that employees normally frequent during the course of employment, and includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

"Park" means a public park or recreation area that is open to and used by the general public.

"Public Entrance" means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

"Public Place" means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

- (A) vehicles of public conveyance;
- (B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;
- (C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and City-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.

(D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the City where there is in progress any public meeting.

"Public place" shall not include:

(A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

(B) hotel or motel rooms designated as smoking, provided that no more than **twenty percent (20%)** of the available rooms for rent in any single building shall be designated as smoking rooms.

"School Grounds" mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

27-14-4 PROHIBITION IN ENCLOSED PUBLIC PLACES.

(A) It is unlawful to smoke in any enclosed area of any public place.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

27-14-5 **PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.**

- (A) It is unlawful to smoke in the following unenclosed public places:
- (1) The seating areas of all outdoor arenas, stadiums and amphitheaters.
 - (2) Public parks and recreation areas.
 - (3) School grounds.
 - (4) Public sidewalks within **fifteen (15) feet** of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
 - (5) Public sidewalks within **fifteen (15) feet** of an open air dining area, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
- (B) It is unlawful to smoke in or within **fifteen (15) feet** of an outdoor venue during the time that an outdoor event is taking place.

27-14-6 **PROHIBITION IN PLACES OF EMPLOYMENT.**

- (A) It is unlawful to smoke in any enclosed area of any place of employment.
- (B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

27-14-7 **PROHIBITION IN OPEN AIR DINING AREAS.**

- (A) It is unlawful to smoke in open air dining area.
- (B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open-air dining area to knowingly permit smoking in the area available for open air dining.
- (C) it is unlawful to smoke within **fifteen (15) feet** of an open-air dining area.

27-14-8 **PROHIBITION AT PUBLIC ENTRANCES.**

- (A) It is unlawful to smoke within **fifteen (15) feet** of a public entrance to a public place or to a place of employment.
- (B) It is unlawful for any person or persons to gather or congregate for the purpose of smoking within **fifteen (15) feet** of a public entrance.

27-14-9 **DESIGNATION OF OTHER NO-SMOKING AREAS.** Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

27-14-10 **NO RETALIATION.** No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

27-14-11 **SIGNS.**

- (A) Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous "No Smoking" signs in the enclosed area of any public place where smoking is prohibited. Such "No Smoking" signs shall have a white field with the words "No Smoking" printed in red letters, **four (4) inches** high with a **one-half (1/2) inch** face or shall bear the international "No

Smoking” symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.

(B) Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school round, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C) Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

27-14-12 EXEMPTIONS. The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

27-14-13 PENALTIES.

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

- (1) A fine of not less than **Twenty-Five Dollars (\$25.00)** for a first violation.
- (2) A fine of not less than **Fifty Dollars (\$50.00)** for a second violation.
- (3) A fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars (\$100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars (\$250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars (\$500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars (\$1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars (\$2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

ARTICLE XV - REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

27-15-1 **DEFINITIONS.** The following definitions apply to this Section:

(A) A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (1) Sexual exploitation of a child **(720 ILCS 5/11-9.1)**;
- (2) Predatory criminal sexual assault of a child **(720 ILCS 5/12-14.1)**;
- (3) Indecent solicitation of a child **(720 ILCS 5/11-6)**;
- (4) Public indecency committed on school property **(720 ILCS 5/11-9)**;
- (5) Child luring **(720 ILCS 5/10-5(b)(10))**;
- (6) Aiding and abetting child abduction **(720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10))**;
- (7) Soliciting for a juvenile prostitute **(720 ILCS 5/11-15.1)**;
- (8) Patronizing a juvenile prostitute **(720 ILCS 5/11-18.1)**;
- (9) Exploitation of a child **(720 ILCS 5/11-19.2)**;
- (10) Child pornography **(720 ILCS 5/11-20.1)**;
- (11) Criminal sexual assault **(720 ILCS 5/12-13)**;
- (12) Aggravated criminal sexual assault **(720 ILCS 5/12-14)**;
- (13) Aggravated criminal sexual abuse **(720 ILCS 5/12-16)**;
- (14) Kidnapping or aggravated kidnapping **(720 ILCS 5/10-1 or 5/10-2)**;
- (15) Unlawful restraint or aggravated unlawful restraint **(720 ILCS 5/10-3 or 5/10-3.1)**.

(B) **"School"** means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C) **"Loiter"** shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of **eighteen (18) years**.

(D) **"Park"** includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the City has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-15-2 **PROHIBITED ACTS.**

(A) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(B) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of

eighteen (18) years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**;

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

27-15-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-15-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

27-15-4 OTHER PROVISIONS.

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

ARTICLE XVI – DRUG PARAPHERNALIA**27-16-1 DEFINITIONS.**

(A) **"Cannabis"** shall have the meaning ascribed it in Section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.

(B) **"Controlled Substance"** shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substance Act" as if that definition were incorporated herein.

(C) **"Drug Paraphernalia"** shall mean all equipment, products and materials of any kind which are peculiar to and/or marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act." It includes but is not limited to:

- (1) Kits peculiar to and/or marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (4) Diluents and adulterant peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- (5) Objects peculiar to and/or marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - (a) water pipes;
 - (b) carburetion tubes and devices;
 - (c) smoking and carburetion masks;
 - (d) miniature cocaine spoons and cocaine vials;
 - (e) carburetor pipes;
 - (f) electric pipes;
 - (g) air-driven pipes;
 - (h) chillums;
 - (i) bongs;
 - (j) ice pipes or chillers;
- (6) Any item whose purpose, as announced or described by the seller is for use in violation of this act.

27-16-2 POSSESSION OF CANNABIS OR CONTROLLED SUBSTANCE. It shall be unlawful for any person to use, possess, distribute or deliver any cannabis or controlled substance as defined in this Article.

27-16-3 POSSESSION OF DRUG PARAPHERNALIA.

(A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a violation of this Article.

(B) In determining intent under paragraph (A) the trier of fact may take into consideration the proximity of the cannabis or a controlled substance on the drug paraphernalia.

27-16-4 **EXEMPTIONS.**

(A) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(B) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting or inhaling of tobacco or any other lawful substance.

Items exempt under this Article include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(C) Items listed in **Section 27-16-1** of this Article which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Article.

In determining whether or not a particular item is exempt under this Section, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- (1) The general, usual, customary, and historical use to which the item involved has been put;
- (2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (3) Any written instruction accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- (4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (5) Any national or local advertising concerning the design, purpose or use of the item involved and the entire context in which such advertising occurs;
- (6) The manner, place and circumstances in which the items was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (7) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of tobacco products;
- (8) The existence and scope of legitimate uses for the object in the community.

27-16-5 **PENALTY.** Any person or entity violating this Article shall be subject to a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)** plus court costs.

ARTICLE XVII – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

27-17-1 **DEFINITIONS.** The following words and phrases shall, for the purposes of this Section have the meanings respectively ascribed to them by this Section, as follows:

(A) **Adult-Use Cannabis Business Establishment.** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(H) **Person.** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

27-17-2 **CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.** The following Adult-Use Cannabis Business Establishments are prohibited in the City. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City of any of the following:

- (A) Adult-Use Cannabis Craft Grower
- (B) Adult-Use Cannabis Cultivation Center
- (C) Adult-Use Cannabis Dispensing Organization
- (D) Adult-Use Cannabis Infuser Organization or Infuser

- (E) Adult-Use Cannabis Processing Organization or Processor
- (F) Adult-Use Cannabis Transporting Organization or Transporter

27-17-3 PUBLIC NUISANCE DECLARED. Operation of any prohibited Cannabis Business Establishment within the City in violation of the provisions of this Section is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(See Section 1-1-20 for Penalties)

CHAPTER 28 – OIL AND GAS WELLS

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CHAPTER 28

OIL AND GAS WELLS

28-1-1 DRILLING PERMITS. It shall be unlawful for any person to drill or to commence to drill any well for oil or gas within the East Half of Section 36, Township 9 North, Range 4 West of the Third Principal Meridian, (Butler Grove); South One-Fourth of Section 30, All of Section 31, the Southwest Quarter of the Northwest Quarter of Section 32, and the Southwest Quarter of Section 32, Township 9 North, Range 3 West of the Third Principal Meridian, (Irving); the East Half of Section 1, Township 8 North, Range 4 West of the Third Principal Meridian, (Hillsboro); That part of Sections 5 and 6 lying outside of the corporate limits of Schram City, Illinois and all of Sections 7, 8, 9, 16, 17, the East Half of Section 20, the North Half of Section 21 and the Southwest Quarter of Section 21, Township 8 North, Range 3 West of the Third Principal Meridian, (East Fork), all of said property being and lying in Montgomery County, Illinois, without a permit for such well and for the prosecution of such work having first been issued by the authority of the Council in accordance with the terms and provisions of this Chapter.

28-1-2 APPLICATION FOR DRILLING PERMIT. Every application for a permit to drill any oil or gas well shall be in writing, signed by the applicant or some person duly authorized to sign the same in behalf of the applicant, and shall be filed with the City Clerk and shall state the proposed location where each proposed well is to be drilled. The application shall be filed with the City Clerk not less than **three (3) days** prior to the date of any regular meeting in order to be acted upon at the regular meeting. There shall be a minimum fee of **One Hundred Dollars (\$100.00)** for each permit and a certified check shall be attached to each application. In the event the permit is not issued the **One Hundred Dollars (\$100.00)** will be returned to the applicant less any amount required to pay engineer's inspection fees in determining whether the permit shall be issued.

Applicant shall pay the cost to the City for engineer's fees in inspecting the well site in accordance with this Chapter. The filing fee of **One Hundred Dollars (\$100.00)** shall be credited against this charge, and in the event the inspection fees total more than **One Hundred Dollars (\$100.00)**, the applicant shall pay the additional fees.

The request for the original inspection of the drilling site after the permit is issued must be submitted to the City Clerk or the City Engineer at least **five (5) days** before drilling date to enable the City Engineer to make a proper inspection of the site prior to the actual commencement of drilling. **(#666; 06-11-62)**

28-1-3 POSTING OF PERMITS. It shall be unlawful for any person to commence drilling any well for oil or gas within any portion of said sections until the permits issued by the City and by the Department of Mines and Minerals of the State of Illinois, or legible photostatic copies of the same, are posted at the well site. The permits or photostatic copies shall be kept so posted until the completion of the well or abandonment and plugging thereof.

28-1-4 IDENTIFICATION OF WELLS. Every producing well shall be identified by a sign in a conspicuous place near such well and the sign shall be of durable construction and the lettering thereon shall be kept in a legible condition and shall be large enough to be read under normal conditions at a distance of **fifty (50) feet**. Each sign shall show the number of the well, the name of the lease, the name of the leasee, owner or operator and their legal addresses under the jurisdiction of the Courts of the State of Illinois, and the location by quarter, quarter section, Township and Range.

28-1-5 **DIKES.** All drilling sites, pits, reserve pits and derricks shall be enclosed with earthen dikes of sufficient height and strength to divert surface drainage and to prevent the escape of any spills of oil, salt water or other liquids.

28-1-6 **FIREWALL AND RESERVOIR.** All lease tanks, stock tanks, and oil storage tanks shall be protected by a firewall, or dike, approved by the Department of Public Health and Safety of the City. The wall shall form a reservoir having a capacity **one and one-half (1 1/2) times** the capacity of the enclosed tank or tank battery. All emulsion containers shall be impounded in the reservoir. The dike shall be maintained and the reservoir surface kept free of oil, emulsions, tank bottoms, brine, fresh water, vegetation, or any inflammable material. Tank batteries shall be so located as not to be subject to surface drainage.

28-1-7 **TEMPORARY STORAGE.** It shall be unlawful to store or retain oil in earthen reservoirs or in open receptacles; provided, however, that in cases of emergency the Department of Public Health and Safety may grant permission for temporary storage of oil in earthen reservoirs or in open receptacles.

28-1-8 **WASTE LIQUIDS.** The construction or operation of any salt water pit or oil field refuse pit, commonly called a "burn out pit" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse, is hereby prohibited.

28-1-9 **ABANDONED WELLS.** It shall be unlawful for any person, upon abandonment of any oil or gas well, to permit concrete bases, discarded machinery and materials, or debris to remain around such oil or gas well; to fail to fill any holes, cellars, slush pits or other excavations made in connection with any such well; or to fail to restore the surface of the lands surrounding any such well to their former condition as existed before the drilling of any such well.

28-1-10 **UNPLUGGED WELLS.** It shall be unlawful to permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil or gas, to remain unplugged, exceeding **thirty (30) days** after such well is no longer used for the purpose for which it was drilled, except with permission of the Department of Public Health and Safety for such reasonable extensions of time as may be necessary for the further development of the property.

28-1-11 **SURFACE DISPOSAL SYSTEM.** It shall be unlawful to run oil, brine or salt water produced in drilling for or the production of oil or gas into earthen reservoirs or ponds, except for such reasonable time and under such conditions as may be approved by the Department of Public Health and Safety, after which such brine, salt water or oil must be returned to some underground formation or disposed of in such manner as may be approved by the Department of Public Health and Safety so that it cannot cause damage, imminent damage or surface waste. Where earthen reservoirs are permitted, they shall be of a type so that the evaporation will care for the input and they shall be dug into the earth. They shall be of sufficient depth to contain all such brine, salt water or oil so that the liquid level in the pit shall not be higher than the natural surrounding ground surface; and such earthen reservoirs shall be surrounded by an earthen dike of sufficient height and strength to divert surface drainage and to prevent the escape of any such impounded brine, salt water or oil.

28-1-12 **ESCAPING LIQUIDS.** It shall be unlawful to permit any brine, salt water, oil or other liquid substance within such earthen reservoirs to reach a level higher than the natural surrounding ground surface; to place pipes below the top of the walls of such reservoirs; to willfully cut any such wall; to permit breaks in any such wall; to release any impounded liquids, or to permit any such liquids to escape from such reservoirs.

28-1-13 **SUBSURFACE DISPOSAL SYSTEM.** For impounding water and oil field wastes in conjunction with a subsurface disposal system, the installation of the following type of receptacle is permissible with the approval of the Department of Public Health and Safety:

(A) Concrete pits, properly located and not subject to surface drainage, of adequate dimensions with floors and walls of minimum thickness of **six (6) inches** reinforced, concrete pit to be waterproofed on the inside.

(B) Steel tank in good condition buried in the ground surrounded by floor and walls of cement with a minimum thickness of **six (6) inches**, of adequate capacity not subject to surface drainage, and the inside of steel tank to be corrosion-proofed.

(C) Steel tank in good condition, of adequate capacity, resting on a concrete foundation of minimum thickness of **six (6) inches**, on the ground surface, and the inside of steel tank to be corrosion-proofed.

28-1-14 **INSPECTION.** The Department of Public Health and Safety, the Superintendent of the Water Department, or any police official, or other representative of the corporate authorities shall have the right of ingress and egress to and from all well locations at all times for inspection purposes.

28-1-15 **NUISANCE VIOLATION.** The violation of any provision of this Chapter whereby any unsanitary condition is created is hereby declared to be a public nuisance.

[Unless Otherwise Noted, This Chapter Ord. No. 665; 05-28-62]

CHAPTER 30 – PUBLIC SAFETY

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CHAPTER 30

PUBLIC SAFETY

ARTICLE I – LOCAL STATE OF EMERGENCY

30-1-1 **DEFINITIONS.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A) **Emergency.**

- (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or
- (2) Any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the City, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B) **Curfew.** A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 **DECLARATION.** Whenever an emergency, as defined in **Section 30-1-1(A)** exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section. This declaration must be filed with the City Clerk as soon as practicable after issuance.

30-1-3 **CURFEW AUTHORIZED.** After proclamation of a Local State of Emergency by the Mayor he or she may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

30-1-4 **ORDERS AUTHORIZED.** After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issue caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency.

- (A) All actions reasonably necessary to respond to the emergency;
- (B) Approve previously appropriated expenditures of the City for the purpose of continuing the operations of the City; and
- (C) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency.
- (D) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(E) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(F) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(G) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

30-1-5 **DURATION.** The declaration herein authorized shall be effective for a period of **fourteen (14) days** or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to reproclaim the existence of an emergency at the end of each **fourteen (14) day** period during the time said emergency exists.

30-1-6 **NOTICE.** Upon issuing the proclamation herein authorized, the City Clerk shall notify the news media situated within the City, and shall cause **four (4) copies** of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the City:

- (A) The City Hall.
- (B) The Police Station.
- (C) The Post Office.
- (D) In the area of any curfew.

30-1-7 **PERSONS WHO MAY ACT AS MAYOR UNDER THIS ARTICLE.** In any civil emergency or disaster subject to this Article, if the Mayor is not available or is incapacitated, the first person available from the following list in order of descent is to assume all the powers delegated to the Mayor by this Article:

- (A) The Commissioner of Accounts and Finances;
- (B) The Commissioner of Public Property;
- (C) The Commissioner of Streets and Public Improvements;
- (D) The Commissioner of Public Health and Safety;
- (E) The Chief of Police;
- (F) The Director of Emergency Service and Disaster Agent.

30-1-8 **VIOLATIONS.** Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by **Section 1-1-20** of the City Code.

30-1-9 **EFFECT ON OTHER ORDINANCES.** Nothing contained in this Section shall be construed to impair the powers contained in this Code, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

(65 ILCS 5/11-1-6)

(20 ILCS 3305/11)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - ESTABLISHMENT OF DEPARTMENT

30-2-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the City which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of patrolmen as may be provided from time to time by the City Council.

30-2-2 **OFFICE OF CHIEF CREATED.** There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council. **(1975 Code; Sec. 4.01)**

30-2-3 **DUTIES OF CHIEF.** The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

There is a position established as Deputy Chief of Police in the City. The Chief of Police may appoint no more than **one (1)** Deputy Chief of Police from any rank of sworn, full time officers of the Police Department with at least **five (5) years** of full-time service as a police officer in the Hillsboro Police Department. Said Deputy Chief of Police shall have the duties and responsibilities provided in the Police Department for Deputy Chief of Police. **(Ord. No. 1698; 11-12-19)**
(Ord. No. 1540; 07-26-11)

30-2-4 **APPOINTMENT.** A sufficient number of patrolmen shall be appointed by the Board of Police and Fire Commissioners as provided in **Article V** of this Chapter. A police officer may be appointed to office by the Board of Police and Fire Commissioners if he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the City when appointed or when he is to serve as such an official.

30-2-5 **SALARY.** The police department shall receive such compensation as may be provided by City ordinance or by resolution of the City Council.

30-2-6 **DUTIES.** The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the City and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the City Council. He shall take notice of all nuisances, obstructions and defects on the highways or other public places and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the City Council, execute all its orders and close the Council Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the City or laws of the State of Illinois.

30-2-7 **MUTUAL AID CONTRACT.** The Police Department, with the approval of the City Council, may enter into an agreement to provide police protection to neighboring municipalities.

(A) **Funds.** The funds collected from said mutual aid contracts shall be maintained by the City in a fund designated "Special Police Department Fund". All expenses or payments made from said fund shall be authorized in advance by the City Council.
(Ord. No. 1546; 09-27-11)

30-2-8 **SPECIAL POLICEMEN.** The Mayor may, on special occasions when, in his judgment for public peace and order of the City shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve and all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than **ten (10) days** shall be subject to the consent of the City Council in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-9 **LEGAL PROCESSES.** All police shall have the power and authority to execute City warrants or other similar legal processes outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City.

30-2-10 **ASSISTING POLICE OFFICER.** Every police officer of the City may, at any time, call upon any able-bodied person(s) above the age of **eighteen (18) years** to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act. **(#I; Sec. 65)**

30-2-11 **AIDING FIRE DEPARTMENT.** Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

30-2-12 **FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office. **(#I)**

30-2-13 **AIDING IN ESCAPE.** It shall be unlawful for any person in this City to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody.

30-2-14 **USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-15 **WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer.

30-2-16 **RULES AND REGULATIONS.** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

30-2-17 **STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City. **(See 65 ILCS Sec. 5/11-1-1 et seq.)**

30-2-18 **CANINE RESTRICTIONS.**
(A) **Unlawful Activities.** It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, kill or attempt to kill any dog used by the Police Department of the City of Hillsboro in the performance of the functions or duties of such department, or to interfere with or meddle with any such dog while being used by said department or any member thereof in the performance of any of the functions or duties of said department or of such officer or member.

(B) **Other Activities.** It shall also be unlawful to attempt any of the above actions against any dog used by the Police Department while the dog is kenneled or any time the dog is in the presence of its handler or any member of the Police Department.

(Ord. No. 1146; 10-13-92)

30-2-19 **CANINE POLICY.** The Canine Policy is hereby adopted by the City as contained in **Appendix "A"**. **(Ord. No. 1151; 01-26-93)**

DIVISION II - AUXILIARY POLICE

30-2-20 **APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the City Council. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least **eighteen (18) years** of age. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the City Council.

30-2-21 **NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department and shall be residents of the City. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this City. Auxiliary policemen shall, at all times, during the performance of their duties, be subject to the direction and control of the Chief of Police of this City.

30-2-22 **POWERS AND DUTIES.** Auxiliary policemen shall have the following powers and duties, when properly assigned and on duty:

- (A) To aid or direct traffic in the Municipality.
- (B) To aid in control of natural or man-made disasters.
- (C) To aid in case of civil disorder.
- (D) To perform normal and regular police duties when assigned by the Chief of Police

on occasions when it is impractical for members of the regular Police Department to perform normal and regular duties.

Auxiliary policemen shall not be designated as conservators of the peace and they shall not exercise any of the powers of conservators of the peace. **(Ord. No. 1454; 02-13-07)**

30-2-23 **FIREARMS PROHIBITED.** Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police of the City and then only when in uniform and in the performance of their duties.

30-2-24 **TRAINING.** Prior to entering upon any of their duties, auxiliary policemen shall receive a course of training in the use of weapons and other police procedure by the Chief of Police of the City or through a course of training designated by him. Such course of training shall be not less than **twenty-two (22) hours** in duration. Upon completion of the course of training, the Chief of Police shall file a certificate attesting to the auxiliary policeman's completion of the course with the City Clerk.

30-2-25 **COMPENSATION.** Auxiliary policemen shall receive compensation as provided by the City Council.

DIVISION III – PART-TIME POLICE

30-2-26 **EMPLOYMENT.** The City may employ part-time police officers from time to time as deemed necessary.

30-2-27 **DUTIES.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Hillsboro Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the Illinois Law Enforcement Training Standards Board.

30-2-28 **HIRING STANDARDS.** Any person employed as a part-time police officer must meet the following standards:

- (A) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (B) Be at least **twenty-one (21) years** of age.
- (C) Pass a medical examination.
- (D) Possess a high school diploma or GED certificate.
- (E) Possess a valid State of Illinois driver’s license.
- (F) Possess no prior felony convictions and no misdemeanor convictions involving crimes of moral turpitude or theft.
- (G) Any individual who has served in the U.S. military must have been honorably discharged.

30-2-29 **DISCIPLINE.** Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the City Council, shall not have any property rights in said employment, and may be removed by City authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(Ord. No. 1561; 05-22-12)

ARTICLE III

EMERGENCY MANAGEMENT AGENCY
(EMA)**30-3-1** **POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency management agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS Sec. 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

30-3-2 **LIMITATIONS.** Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-3-3 **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

30-3-4 **EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an emergency management agency and a coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Council. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Emergency Management Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management Agency shall:

- (1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;

- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
 - (a) The establishment of an emergency operating center;
 - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-3-5

EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency management agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
 - (a) Prevention and minimization of injury and damage caused by disaster;
 - (b) Prompt and effective response to disaster;
 - (c) Emergency relief;
 - (d) Identification of areas particularly vulnerable to disasters;
 - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
 - (f) Assistance to local officials in designing local emergency action plans;
 - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - (h) Organization of municipal manpower and chains of command;
 - (i) Coordination of local emergency management activities;
 - (j) Other necessary matters.

- (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
 - (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency management agency as its office.

30-3-6 FINANCING.

- (A) It is the intent of the City Council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.
- (B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the City Council is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the City Council can convene.
- (C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-3-7 LOCAL DISASTER EMERGENCIES.

- (A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.
- (B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
- (C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

30-3-8 **TESTING OF DISASTER WARNING DEVICES.** The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-3-9 **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.**
The coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-3-3** of this Code, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-3-10 **COMMUNICATIONS.** The local Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-3-11 **IMMUNITY.** Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-3-12 **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-3-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-3-13 **APPROPRIATIONS AND LEVY OF TAX.** The City Council may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also levy for

emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or

assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-3-14 **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.**

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-3-15 **ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-3-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Management Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

30-3-16 **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In

carrying out the provisions of this Code, the Mayor and the coordinator of the emergency management agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.

30-3-17 **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-3-18 **NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-3-19 **SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency management agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20 **COMPENSATION.** The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-3-21 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Management Agency, and which oath shall be substantially as follows:

“I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the City, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

30-3-22 **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**
(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or City Council, as provided herein in **Section 30-3-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-3-23 **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

(See 20 ILCS Sec. 3305/1 et seq.)

ARTICLE IV - FIRE DEPARTMENT

DIVISION I - ORGANIZATION

30-4-1 **DEPARTMENT ESTABLISHED.** There is hereby established a Fire Department consisting of a Fire Chief who shall be appointed by the Mayor with the advice and consent of the City Council at the regular meeting in May in each year. As authorized by the City Council, the Board of Fire and Police Commissioners shall appoint the firemen as provided in **Article V** of this Chapter.

30-4-2 **MEETINGS.** The Fire Department members shall hold monthly meetings and at the December meeting, shall elect a Secretary and a Treasurer. The officers so elected shall qualify and take office at the first meeting in January.

30-4-3 **DUTIES OF FIRE CHIEF.** The Fire Chief shall, upon taking office, make appointments and prescribe such duties as may be necessary and proper in the organization and effective operation of the Fire Department during that year. The Fire Chief shall have the control and supervision of the Fire Department and all fire apparatus and equipment belonging to the City, subject to the order and direction of the Commissioner of Public Health and Safety.

In case of fire, the Fire Chief and his Assistants, in their order of rank, shall take command at such fire and the officer highest in rank shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary for the protection of other property to prevent the spread of the fire, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible with the concurrence of the Mayor or any **two (2) Commissioners**.

30-4-4 **SECRETARY'S DUTIES.** The Secretary shall keep a record of all meetings of the Fire Department and the attendance of the members, a record of all fires and the attendance of the members of such fires. During the last week of March of each year, the Secretary shall file with the City Clerk a full report of such record of attendance and fires, which report shall be made under oath. He shall also keep such other records, make such reports and keep and furnish such statistics as may be required of him by law.

30-4-5 **TREASURER'S DUTIES.** The Treasurer, before taking office, shall execute and file with the City Clerk a sufficient bond to the City, to be approved by the Mayor and City Council, conditioned for the faithful performance of his duties under this Article. The Treasurer shall receive all moneys collected for and on behalf of the Fire Department, including the tax or license fee for foreign fire insurance companies and shall pay the same upon the order of the Fire Department for the purposes of maintenance, use and benefit of such department. Such Treasurer shall make monthly reports to the Fire Department on the condition of the funds in his hands and shall, on the **first (1st) Tuesday of December** in each year, make a sworn report and statement to the Mayor and City Council of all moneys received and disbursed by him as such Treasurer and the balance of moneys in his hands. The books, records, and accounts of such Treasurer shall be faithfully kept and shall, at all times, be open to inspection and an audit of the Mayor and City Council. He shall, at the expiration of his term of office, surrender, pay and deliver to this successor in office, all books, records, accounts and moneys in his hands as such Treasurer.

DIVISION II - REGULATIONS

30-4-6 **ENFORCEMENT OF LAWS.** It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of fires, to enforce all ordinances relating to the occurrence or spread of such fires.

30-4-7 **OBEYING ORDERS AT FIRE.** No fireman in attendance at a fire shall neglect or refuse to obey the orders of the officer in command at such fires.

30-4-8 **FAILURE TO FOLLOW ORDERS.** Every person above the age of **twenty-one (21) years** who shall be present at a fire shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire and in the removal of and protection of property, and any person refusing to obey such orders shall, upon conviction, be fined as provided in Chapter 1 - Administration of this Code, provided no person shall be bound to obey any such officer, unless such officer's official character shall be known or made known to such person. **(1975 Code; Sec. 5.06)**

30-4-9 **DUTY TO ENFORCE.** It shall be the duty of all officers of the Fire Department and all police officers of the Municipality to see that the provisions of this Code are enforced and to arrest on view any person who shall be found violating any of the provisions of this Article or who shall hinder, resist or refuse to obey any such officer in the discharge of his duty, and to that end, all such officers are hereby vested with the usual power and authority of police officers.

30-4-10 **ILLEGAL USE OF EQUIPMENT.** No person shall use any fire engine or any other apparatus belonging to the Municipality for any private purpose, other than the extinguishment of fires; nor shall any person remove the same or any part thereof from its place of deposit or, having the control thereof, shall permit such engine or other apparatus to be used for any private purpose other than the extinguishment of fires. **(#1; Sec. 216)**

30-4-11 **HINDERING FIREMEN.** No person shall willfully resist, obstruct or delay any member of the Fire Department in the performance of his duty at a fire, or shall willfully or maliciously insure, break or deface any fire apparatus belonging to the City. **(#1, Par. 214, 215, 299)**

30-4-12 **FIREFIGHTER CERTIFICATION.**
(A) **Participation.** The City hereby elects to participate in the programs provided for in the Illinois Fire Protection Training Act.
(B) **Completion of Training.** The firefighter II certification must be completed by the trainee within his probationary period of **twelve (12) months**. Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his probationary period ends. This individual may later become certified without reimbursement. **(Ord. No. 1101; 02-27-90)**

30-4-13 **EMERGENCY LIGHTING.**
(A) When responding to a bona fide emergency, duly appointed firefighters of the Hillsboro Volunteer Fire Department are permitted to use on their vehicles, emergency lighting as

permitted by the Illinois Vehicle Code **625 ILCS 5/12-215(c)** as amended from time to time, including blue oscillating, rotating or flashing lights, flashing white headlights and blue grill lights.

(B) The emergency lighting provided in paragraph (A) above shall only be permitted when the firefighter carries on his or her person a letter from the Mayor or Commissioner of Public Health and Safety identifying him or her as a member of the Hillsboro Volunteer Fire Department, identifying his or her position and term of service and providing the name, phone number and address of the Fire Chief to verify the information provided in said letter.

(Ord. No. 1406; 01-11-05)

30-4-14 **MABAS AGREEMENT.** The Mayor and the City Council and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto and being made a part thereof. **(Ord. No. 1407; 04-12-05) (See Appendix "B")**

DIVISION III - RURAL FIRE PROTECTION

30-4-15 **OUTSIDE SERVICE.** Members of the Fire Department are authorized, though not required absent contractual obligation to go outside the corporate limits of the City for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in case of accidents; provided that the Fire Department shall render such service outside the corporate limits as follows:

(A) There is hereby established an annual fee and membership for fire protection in areas outside the corporate limits of the City.

(B) The annual fee for Rural Fire Protection Service for locations outside the corporate limits of the City shall be **Seventy-Five Dollars (\$75.00)**. Fire protection contracts shall be for a period of commencing **August 1st** and ending **July 31st**. The annual fee shall be paid by **August 31st** or be considered delinquent thereafter. **(Ord. No. 1548; 09-27-11)**

(C) **Member Response Charge.** In the event of a response to a fire call from a member, a response charge of **Five Hundred Dollars (\$500.00)** shall be charged.

(D) **Non-Membership Response Charge.** In the event of a response to a fire call to property of a non-member, the annual fee shall be charged in addition to a response fee of **Three Hundred Fifty Dollars (\$350.00)**. In addition, a fee of **Five Hundred Dollars (\$500.00)** per hour shall be charged with a minimum of **Five Hundred Dollars (\$500.00)**. The charges for time shall commence at the time of the alarm until all equipment is placed back in service at the firehouse.

(E) **Rural Vehicle Fire.** There shall be a **Five Hundred Dollars (\$500.00)** charge for fire calls in which vehicles are involved, excepting those involving hazardous waste. A reasonable additional charge shall be made for responses to rural vehicle fires in which hazardous materials are contained which shall cover costs incurred by the Fire Department.

(F) **Funds.** The funds collected as set forth in this Division shall be maintained by the City in a fund designated "Special Fire Department Fund". All expenses or payments made from said fund shall be authorized in advance by the City Council. **(Ord. No. 1547; 09-27-11) (#1269; 05-25-99) (See Appendix "B" Mutual Aid)**

30-4-16 - 30-4-19

RESERVED.

DIVISION IV - SMOKE DETECTOR

30-4-20 **DEFINITIONS.** For the purposes of this Division the following terms have the following meanings:

(A) **"APPROVED SMOKE DETECTOR OR DETECTOR"**. A smoke detector of the ionization or photoelectric type, which complies with all the requirements of the Rules and Regulations of the Illinois State Fire Marshal.

(B) **"DWELLING UNIT"**. A room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed-use building.

30-4-21 **MANDATORY INSTALLATION.** Every dwelling unit shall be equipped with at least **one (1)** approved smoke detector in an operating condition within **fifteen (15) feet** of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least **six (6) inches** from any wall, or on a wall located between **four (4)** and **six (6) inches** from the ceiling.

30-4-22 **MINIMUM NUMBER.** Every single family residence shall have at least **one (1)** approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level.

30-4-23 **MULTIPLE DWELLING UNITS.** Every structure which (1) contains more than **one (1) dwelling unit**, or (2) contains at least **one (1) dwelling unit** and is a mixed-use structure, shall contain at least **one (1)** approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least **six (6) inches** from the wall, or on a wall located between **four (4)** and **six (6) inches** from the ceiling.

30-4-24 **INSTALLATION BY OWNER.** It shall be the responsibility of the owner of a structure to supply and install all required detectors. The owner shall be responsible for making reasonable efforts to test and maintain detectors in a common stairwell and hallways. It shall be the responsibility of the tenant to test and to provide general maintenance for the detectors within the tenant's dwelling unit or rooming unit, and to notify the owner or authorized agent of the owner in writing of any deficiencies which the tenant cannot correct. The owner shall be responsible for providing one tenant per dwelling unit with written information regarding detector testing and maintenance.

The tenant shall be responsible for the replacement of any required batteries in the smoke detectors in the tenant's dwelling unit, except that the owner shall ensure that such batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the smoke detector which have been reported in writing to the owner or the authorized agent of the owner.

30-4-25 **EFFECTIVE DATE.** The requirements of this Division shall apply to any dwelling unit in existence on **July 1, 1988**, beginning on that date. Except as required in **Section 30-4-26**, the smoke detectors required in such dwelling units may be either battery powered or wired into the structure's AC power line, and need not be interconnected.

30-4-26 **NEW CONSTRUCTION.** In the case of any dwelling unit that is newly constructed, reconstructed, or substantially remodeled after **July 1, 1988**, the requirements of this Division shall apply beginning on the **first (1st) day** of occupancy of the dwelling unit after such construction, reconstruction, or substantial remodeling. The smoke detectors required in such dwelling unit shall be permanently wired into the structure's AC power line, and if more than one detector is required to be installed within the dwelling unit, the detectors shall be wired so that the actuation of **one (1) detector** will actuate all the detectors in the dwelling unit.

30-4-27 **STATE AND FEDERAL REGULATIONS.** Compliance with an applicable federal, state or local law or building code which requires the installation and maintenance of smoke detectors in a manner different from this Division, but providing a level of safety for occupants which is equal to or greater than that provided by this Division shall be deemed to be in compliance with this Division, and the requirements of such more stringent law shall govern over the requirements of this Division.

30-4-28 **PENALTY.** Any person failing to install or maintain in operating condition any smoke detector required by this Division shall be subject to the penalties in **Chapter 1** of this Code. (**#1073; 06-14-88**)

30-4-29 **RESERVED.**

DIVISION V - KEY BOXES

30-4-30 **DEFINITIONS.** For the purpose of this Division the following terms shall have the following meanings:

(A) **"KEY BOX"**. A box containing keys for access to buildings.

30-4-31 **AUTOMATIC ALARMS.** In all cases in which the fire department monitors and/or receives an automatic fire alarm for fire detection equipment or fire suppression equipment, the owner or lessee of any building, whether residential, commercial or an institution shall install and provide a key box in an accessible location in order that immediate access can be maintained for the purposes of verification of a fire or other emergency. (**#1074; 06-14-88**)

30-4-32 **APPROVAL OF KEY BOX.** The key box shall be a type approved by the fire department and shall contain keys to gain necessary access to the building, keys for elevator return, elevator rooms, fire alarm box, fire alarm box room, electric rooms, and any other keys necessary for access to occupied floors or rooms within the structure for emergency fire and rescue purposes.

30-4-33 **LOCATION OF KEY BOX.** The key box system may be surface-mounted or flush mounted in an easily accessible location and the fire department shall maintain possession of the only key. In the event any locks are changed, by the owner or lessee, the fire department shall be notified immediately. Existing structures shall provide the Key Box System on or before **January 1, 1989**.

30-4-34 **ALARMS.** At the request of the owner or lessee, the fire department shall permit him to install a Key Box tamper switch connected to the buildings fire alarm system or burglar alarm system.

30-4-35 **CAUSE FOR DISCONNECTION BY FIRE DEPARTMENT.** Willful failure to install a Key Box as required by this Division shall authorize the fire department to disconnect or cause to be disconnected any automatic fire alarms or fire suppression alarm that it monitors without notice. The State Fire Marshal's office and/or other applicable government agencies shall be immediately notified of any such disconnections. (**#1074; 06-14-88**)

ARTICLE V – BOARD OF FIRE AND POLICE COMMISSIONERS

30-5-1 **BOARD ESTABLISHED.** Pursuant to the provisions of and as required by Division 2.1 of Article 10 of the Illinois Municipal Code for municipalities of a population of at least **five thousand (5,000)** and not more than **two hundred fifty thousand (250,000)**, a Board of Fire and Police Commissioners consisting of **three (3) persons** is established for the City. **(See 65 ILCS 5/10-2.1-1 et seq.)**

30-5-2 **APPOINTMENT.** Within **thirty (30) days** after this Article becomes effective, the Mayor shall appoint the first members of the Board of Fire and Police Commissioners. **One (1)** of the members shall be appointed to serve until the end of the then current municipal year, another to serve until the end of the municipal year next ensuing, and the third to serve until the municipal year second next ensuing. Every member shall serve until his successor is appointed and has qualified.

30-5-3 **TERM OF OFFICE.** Subsequent appointments to the Board of Fire and Police Commissioners shall be made by the Mayor with the advice and consent of the City Council subsequent appointments shall be for a term of **three (3) years** and until their respective successors are appointed and have qualified. No such appointment, however, shall be made by any Mayor within **thirty (30) days** before the expiration of his term of office.

30-5-4 **CHAIRMAN ELECTED.** The members of the Board of Fire and Police Commissioners shall elect a chairman to serve during the municipal fiscal year.

30-5-5 **QUORUM.** A majority of the Board of Fire and Police Commissioners shall constitute a quorum for the conduct of all business.

30-5-6 **OATH AND BOND.** The members of the Board shall be considered officers of the City and shall file an oath and a fidelity bond in such amount as may be required by the governing body of the City.

30-5-7 **CONFLICTING OFFICES.** No person holding an office of the City shall be a member of the Board of Fire and Police Commissioners or the secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation of his office as a member of the Board of Fire and Police Commissioners or the secretary thereof. No person shall be appointed a member of the Board of Fire and Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the City. No more than **two (2) members** of the Board shall belong to the same political party existing in the City at the time of such appointments and as defined in Section 10-2 of the Election Code, **10 ILCS 5/10-2**. If only one or no political party affiliation shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as a member of the Board.

30-5-8 **REMOVAL FROM OFFICE.** Members shall not be subject to removal, except for cause, upon written charges and after an opportunity to be heard within **thirty (30) days** their own defense, before a regular meeting of the City Council. A majority vote of the elected members of the City Council shall be required to remove any such member from office.

30-5-9 **EMPLOYMENT OF SECRETARY.** The Board shall designate one of its own members to act as secretary. The secretary:

- (A) shall keep the minutes of the Board proceedings,
- (B) shall be the custodian of all records pertaining the business of the Board,
- (C) shall keep a record of all examinations held,
- (D) shall perform all other duties the Board prescribes and
- (E) shall be custodian of the seal of the Board, if one is adopted, and the Board is

hereby authorized to adopt an official seal and to prescribe the form thereof by resolution of the Board.

30-5-10 **POWERS OF THE BOARD.** The Board of Fire and Police Commissioners shall have the powers set forth in Division 2.1 of Article 10 of the **Illinois Compiled Statutes (65 ILCS 5/10-2.1-1 et seq.)** including the following:

- (A) to appoint all officers and members of the Police Department and Fire Department, except the Chief of Police and the Fire Chief;
- (B) to discipline, suspend, remove, or discharge officers and members of the Police Department and Fire Department, except the Chief of Police and the Fire Chief;
- (C) to conduct hearings on charges brought against a member of the Police Department and Fire Department, except the Chief of Police and Fire Chief.

Nothing in this Section shall be construed to prevent the Chief of Police from disciplining a member of the Police Department pursuant to the collective bargaining agreement, up to a suspension without pay for a period of not more than **five (5) calendar days**.

Notice of any such suspension shall be given to the Board of Fire and Police Commissioners and shall be subject to review as provided in **65 ILCS 5/10-2.17**.

(Ord. No. 1409; 05-09-05)

ARTICLE VI – POLICE PENSION BOARD

30-6-1 BOARD ESTABLISHED. Pursuant to the provisions of and as required by Article 3 of the Illinois Pension Code for municipalities with a population of **five thousand (5,000)** or more but less than **five hundred thousand (500,000)** inhabitants, a Police Pension Fund is established for the benefit of police officers of the Police Department and their surviving spouses, children and certain other dependents, as provided in the aforesaid Illinois Pension Code. **(See 40 ILCS 5/3-101 et seq.)**

30-6-2 TERMS. The terms used in this Article have the meanings ascribed to them in this Section:

(A) **"Board"** means the Board of Trustees of the Police Pension Fund of the City of Hillsboro.

(B) **"Police Officer"** means any person who:

- (1) is appointed to the police force of the Police Department and sworn and commissioned to perform police duties;
- (2) is found upon examination of a duly licensed physician or physicians selected by the Board to be physically and mentally fit to perform the duties of a police officer; and
- (3) within **three (3) months** after receiving his or her first appointment, and if reappointed within **three (3) months** thereafter, makes written application to the Board to come under the provisions of this Article and Article 3 of the Illinois Pension Code.

(C) **"Salary"** means the annual salary, including longevity, attached to the police officer's rank, as established by the City's appropriation ordinance, including any compensation or overtime which is included in the salary so established, but excluding any "overtime pay", "holiday pay", "bonus pay", "merit pay", or any other cash benefit not included in salary so established.

30-6-3 PENSION FUNDS. The Police Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the City.

(A) All moneys derived from the taxes levied under Article 3 of the Illinois Pension Code **(See 40 ILCS 5/3-101 et seq.)**;

(B) Contributions by police officers under **40 ILCS 5/3-125.1**;

(C) All moneys accumulated by the City under any previous legislation establishing a fund for the benefit of disabled or retired police officers;

(D) Donations, gifts or other transfers authorized by **40 ILCS 5/3-101 et seq.**

30-6-4 TAX LEVY. The City Council shall annually levy and tax upon all the taxable property of the City at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to:

(A) the normal cost of the pension fund for the year involved, plus

(B) the amount necessary to amortize the fund's unfounded accrued liabilities as provided by **40 ILCS 5/3-127**.

The tax shall be levied and collected in the same manner as the general taxes of the City, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the City.

30-6-5 **EMPLOYEE CONTRIBUTION.** Each police officer shall contribute to the police pension fund **9.91 percent** of his or her salary which shall be deducted monthly. However, the Chief of Police may elect to participate in the Illinois Municipal Retirement Fund rather than in the fund created under this Article. Such election shall be irrevocable, and shall be filed in writing, with the Board.

30-6-6 **BOARD MEMBERSHIP.** A Board of **five (5) members** shall constitute a Board of Trustees to administer the Police Pension Fund and to designate the beneficiaries thereof. The Board shall be known as the "Board of Trustees of the Police Pension Fund of the City of Hillsboro".

Two (2) members of the Board shall be appointed by the Mayor, **one (1)** of whom shall serve for **one (1) year** beginning on the **second (2nd) Tuesday in May** after the Municipality comes within the provisions of Article 3 of the Illinois Pension Code. The other appointed member shall serve for **two (2) years** beginning on the same date. The successors to each of the foregoing trustees shall serve for **two (2) years** each or until their successors are appointed and qualified.

Two (2) members of the Board shall be elected from the active participants of the pension fund by such active participants. **One (1) member** of the Board shall be elected by and from the beneficiaries. The election of these Board members shall be held biennially the **thirty (3rd) Monday in April**, at such place or places in the City and under the Australian ballot system and such other regulations as shall be prescribed by the appointed members of the Board

The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than **one (1) ballot** at such election. The term of elected members shall be **two (2) years**, beginning on the **second (2nd) Tuesday of the first (1st) May** after the election. **(See 40 ILCS 5/3-101 et seq.)**

30-6-7 **VACANCIES AND RESIGNATIONS.** Upon the death, resignation, or inability to act of any elective Board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the Board and conducted in the same manner as the regular biennial election.

30-6-8 **COMPENSATION.** Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office.

30-6-9 **QUARTERLY MEETINGS.** The Board shall hold annually regular quarterly meetings in July, October, January and April, and special meetings as called by the President.

At the regular July meetings, the Board shall select from its members a president, vice-president, secretary, and assistant secretary to serve for **one (1) year** and until their respective successors are elected and qualified.

30-6-10 **VICE-PRESIDENT'S DUTIES.** The Vice-President shall perform the duties of president during any vacancy in that office, or during the president's absence from the City, or if he or she is by reason of illness or other causes unable to perform the duties of the office.

The assistant secretary shall act for the secretary whenever necessary to discharge the functions of such office.

30-6-11 **POWERS AND DUTIES.** The Board shall have the powers and duties provided under Article 3 of the Illinois Pension Code, including those powers and duties stated in **40 ILCS 5/3-132 through 5/3-140.1** of said Code.

30-6-12 **ANNUAL STATEMENTS.** On the **second (2nd) Tuesday in May** annually, the Treasurer and all other officials of the City who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor and City Council of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board.

30-6-13 **REPORT TO CITY COUNCIL.** The Board shall report to the City Council on the condition of the pension fund. The report shall be made prior to the City Council meeting held for the levying of taxes for the year for which the report is made.

The Board shall certify:

- (A) the assets in its custody at such time;
- (B) the estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
- (C) The estimated amount required during said calendar year to:
 - (1) pay all pensions and other obligations provided in this Article and in Article 3 of the Illinois Pension Code; and
 - (2) to meet the annual requirements of the fund as provided herein.

30-6-14 **ILLINOIS PENSION CODE ADOPTED.** Article 3 of the Illinois Pension Code is incorporated by reference herein. In case of any conflict between this Code and said Article, the applicable provisions of said Article shall control, and as said Code is amended from time to time, the provisions hereof, insofar as any variance may develop therefrom, if any, shall automatically be construed so as to conform therewith. **(See 40 ILCS 5/3-101 et seq.)**

(Ord. No. 1411; 05-09-05)

ARTICLE VII - FIREFIGHTER'S PENSION BOARD

30-7-1 **BOARD ESTABLISHED.** Pursuant to the provisions of and as required by Article 4 of the Illinois Pension Code for municipalities with a population of **five thousand (5,000)** or more but less than **five hundred thousand (500,000)** inhabitants, a Firefighter Pension Fund is established for the benefit of firefighters of the Fire Department and their surviving spouses, children and certain other dependents, as provided in the aforesaid Illinois Pension Code. **(See 40 ILCS 5/4-101 et seq.)**

30-7-2 **TERMS.** The terms used in this Article have the meanings ascribed to them in this Section:

- (A) **"Board"** means the Board of Trustees of the Firefighter's Pension Fund of the City of Hillsboro.
- (B) **"Firefighter"** has the definition as provided in **40 ILCS 5/4-106.**
- (C) **"Salary"** means the annual salary, including longevity, attached to the firefighter's rank, as established by the City's appropriation ordinance, including any compensation or overtime which is included in the salary so established, but excluding any "overtime pay", "holiday pay", "bonus pay", "merit pay", or any other cash benefit not included in salary so established.

30-7-3 **PENSION FUNDS.** The Firefighter's Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the City.

- (A) All moneys derived from the taxes levied under Article 4 of the Illinois Pension Code **(See 40 ILCS 5/4-101 et seq.);**
- (B) Contributions by firefighters under **40 ILCS 5/4-118.1;**
- (C) All moneys accumulated by the City under any previous legislation establishing a fund for the benefit of disabled or retired firefighters;
- (D) Donations, gifts or other transfers authorized by **40 ILCS 5/4-101 et seq.**

30-7-4 **TAX LEVY.** The City Council shall annually levy and tax upon all the taxable property of the City at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of firefighters, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the firefighter's pension fund. The annual requirements to be provided by such tax levy are equal to:

- (A) the normal cost of the pension fund for the year involved, plus
- (B) the amount necessary to amortize the fund's unfounded accrued liabilities as provided by **40 ILCS 5/4-118.**

The tax shall be levied and collected in the same manner as the general taxes of the City, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the City.

30-7-5 **EMPLOYEE CONTRIBUTION.** Each firefighter shall contribute to the firefighter pension fund the percentage provided in **40 ILCS 5/4-118.1** of his or her salary which shall be deducted monthly.

30-7-6 **BOARD MEMBERSHIP.** A Board created as provided in **40 ILCS 5/4-121** shall constitute a Board of Trustees to administer the Firefighter's Pension Fund and to designate the beneficiaries thereof. The Board shall be known as the "Board of Trustees of the Firefighter's Pension Fund of the City of Hillsboro".

30-7-7 **VACANCIES AND RESIGNATIONS.** Upon the death, resignation, or inability to act of any elective Board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the Board and conducted in the same manner as the regular biennial election.

30-7-8 **COMPENSATION.** Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office.

30-7-9 **QUARTERLY MEETINGS.** The Board shall hold annually regular quarterly meetings in July, October, January and April, and special meetings as called by the President.

At the regular July meetings, the Board shall select from its members a president, vice-president, secretary, and assistant secretary to serve for **one (1) year** and until their respective successors are elected and qualified.

30-7-10 **VICE-PRESIDENT'S DUTIES.** The Vice-President shall perform the duties of president during any vacancy in that office, or during the president's absence from the City, or if he or she is by reason of illness or other causes unable to perform the duties of the office.

The assistant secretary shall act for the secretary whenever necessary to discharge the functions of such office.

30-7-11 **POWERS AND DUTIES.** The Board shall have the powers and duties provided under Article 4 of the Illinois Pension Code, including those powers and duties stated in **40 ILCS 5/4-123 through 5/4-129.1** of said Code.

30-7-12 **ANNUAL STATEMENTS.** On the **second (2nd) Tuesday in May** annually, the Treasurer and all other officials of the City who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor and City Council of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board.

30-7-13 **REPORT TO CITY COUNCIL.** The Board shall report to the City Council on the condition of the pension fund. The report shall be made prior to the City Council meeting held for the levying of taxes for the year for which the report is made.

The Board shall certify:

- (A) the assets in its custody at such time;
- (B) the estimated receipts during the next succeeding calendar year from deductions from the salaries of firefighters, and from all other sources; and
- (C) The estimated amount required during said calendar year to:
 - (1) pay all pensions and other obligations provided in this Article and in Article 4 of the Illinois Pension Code; and
 - (2) to meet the annual requirements of the fund as provided herein.

30-7-14 **ILLINOIS PENSION CODE ADOPTED.** Article 4 of the Illinois Pension Code is incorporated by reference herein. In case of any conflict between this Code and said Article, the applicable provisions of said Article shall control, and as said Code is amended from time to time, the provisions hereof, insofar as any variance may develop therefrom, if any, shall automatically be construed so as to conform therewith. **(See 40 ILCS 5/4-101 et seq.)**

(Ord. No. 1410; 05-09-05)

APPENDIX "A"

HILLSBORO POLICE DEPARTMENT

CANINE POLICY

1. **POLICY.**

It is the policy of the Hillsboro Police Department to provide K-9 teams to assist department officers and other departmental law enforcement agencies. Any agencies requesting assistance outside Montgomery County shall be approved by the Chief of Police.

2. **DEFINITIONS.**

- A. K-9 officer - an officer selected, appointed, trained and equipped to handle and train a department owned K-9 dog.
- B. K-9 dog a dog selected and trained for police work.
- C. K-9 team consists of a K-9 officer and a K-9 dog.

3. **OBJECTIVES.**

- A. To preserve human life.
- B. To apprehend criminal offenders.
- C. To track or search for criminal offenders and lost/injured persons.
- D. To provide a deterrence to unlawful acts.
- E. To search for evidence and drugs upon request.
- F. To promote public relations.

4. **RESPONSIBILITY.**

- A. K-9 officers may be required to respond to high risk situations such as searches, raids, tracking potentially dangerous subjects or other incidents or situations where the services of the K-9 team would be beneficial or appropriate. These duties do not preclude the officer from the job responsibilities of a Hillsboro Police officer.
- B. The primary mission of the K-9 team is to respond to the needs of the Hillsboro Police Department. K-9 service is also made available, upon request, to any law enforcement agency within the State of Illinois.
- C. The assigned canine officer will:
 - 1. Establish procedures to ensure compliance with training requirements and the maintenance of appropriate training records.
 - 2. Recommend and when authorized initiate measures to promote more effective utilization of K-9 resources.
 - 3. Conduct or oversee testing and evaluations of new equipment.
 - 4. Recommend purchases of K-9 equipment, uniforms, and supplies.
 - 5. Be responsible for maintaining files and records for purposeful documentation and future evaluation.
- D. The Chief of Police will:
 - 1. Actively support the canine training program and promote the effective utilization of resources.
 - 2. Determine priority of canine calls when a conflict occurs.

5. **EACH K-9 OFFICER WILL:**

- A. Care for and maintain their City owned K-9 dog and related equipment.
- B. Expend one regular work shift each week training their assigned K-9 dog. Work assignments do not constitute training. Due to the lack of a controlled conditions, the K-9 dog's performance can not be properly evaluated.
- C. Be required to obtain training areas and to have areas available for training dogs.
- D. Be allowed **one-half (1/2) hour** of maintenance time on days off when officer is caring for K-9 dog. (Days off include regular days off, vacation, holidays).
- E. Be required to attend a K-9 team evaluation held every **six (6) months** at the ISP Academy.
- F. Exercise supervisory responsibilities in matters requiring immediate attention or proper utilization of personnel in K-9 related situations.
- G. Complete the following forms when necessary:
 - 1. A field report on each call for assistance.
 - 2. A training report when applicable.
 - 3. A demonstration report when applicable.
 - 4. A K-9 activity report when a field report is not required.
 - 5. An illness/injury report when applicable. Should such an illness/injury result in the canine dog being "off duty" the Chief will be notified.

6. **ACCOUNTABILITY.**

- A. K-9 officers serve at the discretion of the Chief of Police. The Chief will recommend dismissal or other remedial action for:
 - 1. A K-9 officers poor performance will be based on training evaluations conducted by the K-9 training unit. Field performance will be conducted by the Chief of Police.
 - 2. Inability of K-9 team to successfully pass K-9 team evaluation.
 - 3. Unacceptable training techniques, excessive absence from training session (group or individual), lack of interest or unacceptable maintenance of equipment.
 - 4. Unacceptable level of physical conditioning.

7. **TRAINING.**

K-9 officer's duties are rigorous and require acceptable level of physical fitness, patience, timing and knowledge of training techniques. Training will emphasize obedience, evidence recovery, narcotic detection, and tracking. Minimum training standards include:

- A. K-9 officers must complete the ISP training program.
- B. K-9 officers will receive **one (1)** regular work shift each week for training the dog. Additional training time may be approved at the discretion of the Chief of Police.
- C. Each canine officer will be responsible for conducting their training.
- D. Work assignments do not constitute training. The lack of a controlled conditions does not permit evaluation of the dog.
- E. K-9 team evaluations will be every **six (6) months** at the ISP.
- F. A K-9 training report will be completed when applicable.
- G. The Chief of Police will make an effort to allow joint training with other departmental K-9 units for quality training.

8. **DEPLOYMENT.**

- A. Requests for the assistance of the K-9 team will be directed to the canine handler. The requesting agency will provide the following information:

1. Identify type of service requested.
 2. Time expired since the incident occurred.
 3. Weather and ground conditions.
 4. Type of area and terrain.
 5. Any prior search by personnel or K-9 teams.
 6. Description of suspect or victim and health of that person.
 7. Situational knowledge or available witness information.
- B. The Chief of Police will be notified of call out requests.
- C. Upon termination of the incident a field report or K-9 activity report will be completed.

9. **UNIFORM FOR K-9.**

- A. K-9 officers will not be required to wear regular departmental uniform apparel.
- B. Only K-9 officers will wear K-9 uniforms or any part thereof and then only during training, call-outs, K-9 assignments or when authorized by the Chief of Police.

10. **SCHOOL SEARCHES.**

- A. Requests by local school districts for drug searches and seizures will only be authorized when:
1. The request is directed to the Chief of Police in writing and signed by the Chief School Administrator.
 2. The purpose of the search is directed toward maintaining a safe and secure school environment.
 3. The specific facts substantiate an actual drug problem and not merely suspicion of a problem, however a reasonable suspicion could substantiate a search.
 4. The school officials will take either administrative or criminal action against those determined to be in possession of illegal drugs or contraband.
- B. Administrative searches will be restricted to school premises. Body searches will not be performed on students or faculty members. The K-9 officers will mark lockers and identify areas where the K-9 dog makes an indication. The K-9 officers will not open lockers, search areas or make arrests. Any further action is to be taken by school officials only.
- C. When conducting a criminal search, the K-9 officer will notify the State's Attorney prior to the search. The K-9 officer will mark or identify the lockers or areas where the K-9 dog made an indication and secure a written consent to search or a search warrant before proceeding further.

11. **ANIMAL OWNERSHIP.**

- A. All dogs accepted for training and use by the K-9 section are the sole property of the City of Hillsboro. Proper care and maintenance of the dog is a responsibility of the assigned officer.
- B. The K-9 will not be used for purposes outside the official duties. Any performance, special societies, stud services, dog shows, etc. will not be allowed unless with written permission of the Chief of Police.
- C. The department will transfer ownership of the dog to the last assigned officer if it becomes necessary to retire the dog from active duty. This will be at the own expense of the officer. Should the last assigned officer decline the dog, the Chief of Police will make other arrangements for the disposition of the animal.

12. **CONTROL OF TRAINING AIDS.**

- A. When drug training aids are used, the K-9 officer must not leave the immediate areas in which training aids are placed, until the exercise is over and all drug training aids have been retrieved.

- B. Unauthorized persons are not allowed to handle drug training aids.
- C. Drug training aids will not be placed in areas where people are present unless constant vigilance can be maintained.
- D. Drug training aids will not be placed in items of personal property which would permit a person unknowingly remove the aids from the training area.
- E. Strict physical security and control procedures must be adhered to prevent misuse or theft of controlled substances and cannabis used as training aids. All canine personnel using drug training aids will comply with the following minimum security and control requirements:
 - 1. The area used to store drug training aids must provide a high degree of protection against theft.
 - 2. Drug training aids will be secured in the K-9 officers assigned squad.
 - 3. Different types of training aids must be kept in separate air tight containers to prevent contamination.
 - 4. Drug storage containers will only be accessible to K-9 officers.
 - 5. Storage containers will only be opened to issue inventory, repackage, return drug training aids, perform other authorized functions. The storage containers will be secured at all other times.

ADDENDUM "A"

MONTGOMERY COUNTY MUTUAL AID AGREEMENT

These Article of Agreement, made and entered into on the _____ day of _____, A.D. 19_____, by and between all the participating municipalities that have approved and adopted in the manner as provided by law and are herein listed at the end of this agreement.

SECTION ONE - PURPOSE

The purpose of this Agreement is to provide for a program of Mutual Aid between all of the Participating Municipalities whereby the Aiding Municipalities will respond to the Stricken Municipality with such equipment and manpower as has been predetermined by the Fire Chiefs of each Municipality.

SECTION TWO - DEFINITIONS

For the purpose of this Agreement, the following terms are defined as follows:

(A) **"MUNICIPALITY"**. A City, Village or Fire Protection District having a recognized Fire Department.

(B) **"MUTUAL AID"**. A definite and prearranged written agreement and plan whereby regular response and assistance is provided for in event of a request by a senior officer in a Stricken Municipality by the Aiding Municipalities in accordance with the mutual aid pact.

(C) **"PARTICIPATING MUNICIPALITIES"**. A Municipality that commits itself to this Mutual Aid Agreement by adopting an Ordinance or Resolution authorizing participation in the program with other participating Municipalities for rendering and receiving Mutual Aid in the event of a fire or other disaster in accordance with the Mutual Aid Agreement.

(D) **"STRICKEN MUNICIPALITY"**. The Municipality in which a fire or other disaster occurs that is of such a magnitude that it cannot be adequately handled by the local Fire Department.

(E) **"AIDING MUNICIPALITY"**. A Municipality furnishing fire equipment and manpower to a Stricken Municipality.

SECTION THREE

AGREEMENT TO EFFECTUATE THE MUTUAL AID PLAN

The Village President, Mayor or Board of Trustees of each participating Municipality is authorized on behalf of that Municipality to enter into and from time to time to alter and amend on the advice of the Fire Chief and with the consent of the governing body of that Municipality, an agreement with other Municipalities for Mutual Aid according to the following:

(A) Whenever a fire or disaster is of such magnitude and consequence that it is deemed advisable by the Senior Officer present, of the Stricken Municipality, to request assistance of the Aiding Municipalities, he is hereby authorized to do so, under the terms of this Mutual Aid Agreement and the Senior Officer present of the Aiding Municipalities are authorized to and shall forthwith take the following action:

- (1) Immediately determine what equipment is required according to the Mutual Aid Pact;
- (2) Immediately determine if the required equipment and personnel can be committed in response to the request from the Stricken Municipality;
- (3) Dispatch immediately the equipment required to the Stricken Municipality in accordance with the Agreement.

(B) All of the participating Municipalities agree to waive all claims against the other party or parties for compensation for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement. General Liability Insurance, Personal

Injury and Property Damage Insurance against loss or damage of equipment is the responsibility of each

participating Municipality as it applies to their own manpower and equipment. All services performed under this Mutual Aid Agreement shall be rendered without reimbursement to any Municipalities.

(C) The Senior Officer present, of the Stricken Municipality, shall assume full responsibility and command for operations at the scene. He will assign Senior Officers and equipment, of the Aiding Municipalities, to positions when and where he deems necessary.

(D) The Fire Chief, Officers and personnel of all participating Municipalities are invited and encouraged to frequently visit each others facilities for familiarization tours, and the jointly conduct training sessions and hypothetical disaster exercises.

SECTION FOUR - ADOPTION

This Mutual Aid Agreement shall be in full force and in effect with the passage and approval of a companion Ordinance by all participating Municipalities, in the manner provided by law, and the signing of this agreement by the Village President, Mayor or Trustees of a Fire Protection District.

SECTION FIVE - TERMINATION

Any Municipality may withdraw from the Montgomery County Mutual Aid Agreement by notifying the Fire Chiefs of the other participating Municipalities in writing. Whereupon the withdrawing Municipality will terminate participation **ninety (90) days** from date of the written notice.

Name

Name

Title, Municipality

Title, Municipality

Name

Name

Title, Municipality

Title, Municipality

APPENDIX "B"

**MUTUAL AID BOX ALARM SYSTEM
AGREEMENT**

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto (hereafter "Unit(s)") that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

WHEREAS, the "Intergovernmental Cooperation Act", 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government including a unit of local government from another state; and,

WHEREAS, the parties hereto are units of local government as defined by the Constitution of the State of Illinois and the Intergovernmental Cooperation Act and Hillsboro, Illinois is a municipality as defined in Illinois Statutes; and

WHEREAS, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

WHEREAS, the parties hereto have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster; and,

WHEREAS, the parties hereto have determine that it is in their best interests to form an association to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

NOW, THEREFORE, in consideration of the foregoing recitals, the Unit's membership in the Mutual Aid Box Alarm System and the covenants contained herein, **THE PARTIES HERETO AGREE AS FOLLOWS:**

SECTION ONE - PURPOSE

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

SECTION TWO - DEFINITIONS

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"). A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time.

B. "Member Unit". A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.

C. "Stricken Unit". A Member Unit which requests aid in the event of an emergency.

D. "Aiding Unit". A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit.

E. "Emergency". An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.

F. "Division". The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.

G. "Training". The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.

H. "Executive Board". The governing body of MABAS comprised of Division representatives.

SECTION THREE - AUTHORITY AND ACTION TO EFFECT MUTUAL AID

A. The Member Units hereby authorize and direct their respective Fire Chief or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Fire Chief, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

B. Whenever an emergency occurs and conditions are such that the Fire Chief, or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

C. The Fire Chief, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

1. Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS;
2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;
3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of MABAS;
4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

SECTION FOUR - JURISDICTION OVER PERSONNEL AND EQUIPMENT

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or Senior Officer of the Stricken Unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or Senior Officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

SECTION FIVE - COMPENSATION FOR AID

Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

SECTION SIX - INSURANCE

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

SECTION SEVEN - INDEMNIFICATION

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

SECTION EIGHT - NON-LIABILITY FOR FAILURE TO RENDER AID

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

SECTION NINE - TERM

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

SECTION TEN - EFFECTIVENESS

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

SECTION ELEVEN - BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

SECTION TWELVE - VALIDITY

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

SECTION THIRTEEN - NOTICES

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

SECTION FOURTEEN - GOVERNING LAW

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

SECTION FIFTEEN - EXECUTION IN COUNTERPARTS

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

SECTION SIXTEEN - EXECUTIVE BOARD OF MABAS

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that Member Unit.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by-laws shall coordinate the activities of the MABAS.

SECTION SEVENTEEN - DUTIES OF THE EXECUTIVE BOARD

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by-laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

SECTION EIGHTEEN - RULES AND PROCEDURES

Rules, procedures and by-laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS.

SECTION NINETEEN - AMENDMENTS

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by-laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this Mutual Aid Box Alarm System Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

(Ord. No. 1407; 04-12-05)

CHAPTER 31 – RECREATION

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CHAPTER 31

RECREATION

ARTICLE I – LAKE GLENN SHOALS

DIVISION I - GENERAL REGULATIONS

31-1-1 **DEFINITIONS.** The following words when used in this Article shall have the meanings respectively ascribed to them in this Section:

"CRAFT". Any craft not permanently attached to the shore.

"CUSTODIAN". Any lessee from the City of any marginal land for residence purposes located in Zone E.

"DISTANCE". Any statement of distance means the shortest horizontal distance from the point designated, between the points designated or measured at right angles to the line designated.

"DRAINAGE AREA". That entire area of land and water that drains into Lake Glenn Shoals or into Shoal Creek, or any tributary or other stream above the public water supply dam.

"HIGH WATER LINE". The contour known as **six hundred (600)** mean sea level, referred to United States Government elevations, as obtained from the benchmark established in the City.

"INTAKE". The place where the water supply for the City is taken from the lake.

"LAKE GLENN SHOALS". The artificial reservoir and water impounded therein by means of the public water supply dam constructed across the valley of Shoal Creek in the Northeast quarter of Section 36, Township Nine North Range Four, West of the Third Principal Meridian in Montgomery County, Illinois, and by any other structure heretofore or hereafter constructed within the limits of the hereinafter defined area, which are used or for the use as a public water supply for the City, hereinafter referred to as the **"lake"**.

"MARGINAL LAND". The land owned or controlled by the City adjacent to the shoreline and not flooded by the waters of the lake.

"SHORELINE". The extended point where the plane of the surface of the waters of the lake touches the land.

"WATERCOURSE". Any stream, natural or artificial channel, spring or depression of any kind, in which water flows continuously or intermittently over any part of the drainage area, directly or indirectly, into any part of the lake.

"ZONE A". All that portion of the lake lying within a radius of **five hundred (500) feet** from the intake.

"ZONE B". That portion of the lake lying within **two hundred (200) feet** of the shoreline, regardless of the high-water line of such lake.

"ZONE C". That portion of the lake which lies more than **two hundred (200) feet** from the shoreline of the lake and exclusive of the area designated for Zone D.

"ZONE D". That portion of the lake especially designated by the City and more than **five hundred (500) feet** from the shore.

"ZONE E". All land in the drainage area or within **one-fourth (1/4) mile** thereof which is or may be owned or controlled by the City and is not flooded by the water of the lake. Zone E also includes public highways and railroad rights-of-way where the same pass through or over land owned by the City.

"ZONE F". All land located within **ten (10) miles** of the limits of the City owned land and within the drainage area and includes all of Zones A, B, C, D, and E except that part of Zone E which is outside of the drainage area.

31-1-2 **APPLICABILITY OF REGULATIONS.** All of the provisions of this Article shall apply to Zones A, B, C, D and E as defined by the preceding section, except where otherwise indicated.

31-1-3 BUILDINGS AND STRUCTURES – PUBLIC LAND PRESERVATION. No building or other structure, whether for habitation or otherwise, including any dock, wharf, boathouse or anchored or stationary raft shall be constructed, altered or maintained within the limits of Zones A, B, C, D, or E unless a permit in writing thereof, based upon a written application setting forth the location, specifications and intended use thereof, is granted by the Commissioner of Public Property.

Zones A, B, C, D and E shall be left in its natural state for the life of the lake. There shall be no access to the lake from adjoining privately owned land except upon the execution of a lease agreement between the City of Hillsboro and the owner of said privately owned land, which lease shall not exceed **one (1) year** in terms and for which reasonable compensation shall be paid to the City of Hillsboro. **(Ord. No. 1419; 2005)**

31-1-4 SEWAGE DISPOSAL GENERALLY. No toilet, water closet, urinal, privy, cesspool, septic tank, sewer or other means for the depositing, storing, retaining, or disposing of sewage or sink or bathroom wastes shall be built or maintained within Zones A, B, C, or D and only in Zone B, C, D and E after a written permit has been granted by the applicable health regulatory body based upon a written application disclosing the location and specifications therefor and means for the treatment or disposal of such sewage or sink or bathroom wastes in such manner as may be approved by the appropriate body so as not to pollute or threaten pollution of the lake or tend to create a nuisance, and the construction and maintenance, thereof shall be subject to supervision by the health authority.

31-1-5 PROTECTION OF SEWERS. Only sewage and normal sink and bathroom drainage shall be discharged into any sewers of the City. No other solids or liquids, either organic or inorganic shall be permitted to enter directly or indirectly into any sewer of the City. **(See Ch. 38 of the City Code.)**

31-1-6 CONNECTIONS TO UTILITY SERVICES. No person not an authorized employee of the City shall make any connection with, uncover, alter or disturb any water pipe or main, conduit, electric wire or line, sewer or other utility constructed or maintained by the City, or open any manhole, intercepting chamber or any appurtenance thereof without first obtaining a written permit from the City based upon a written application setting forth the location and nature of the work to be done, together with a description thereof or copy of plans or specifications therefor of the contemplated connection or alteration, and depositing with the City such a sum of money as the City shall estimate will fully cover all damage of any kind which may be caused by the connection or alteration, or filing an appropriate bond, guaranteeing restoration, in form and amount and with surety, as approved by the City, if requested by the City to do so.

After such alteration or connection has been completed, the sewer, water pipe or main, conduit, electric wire or line, manhole or intercepting chamber shall be immediately restored to as good a state or condition as prior to the doing of such work, to the satisfaction of the City or by the City, as the City may elect. If the completion of the restoration be without expense to the City and to its satisfaction the sum deposited shall be refunded, but if any of the work be done by it, the City shall certify the actual expense incurred and shall refund to the holder of the permit the difference, if any, between the amount deposited and the amount certified. In the event the amount so certified shall be in excess of the deposit the holder of the permit shall immediately pay such excess to the City.

All sewers connected directly or indirectly with any City sewer shall be constructed in manner and with materials, approved by the City and be reasonably free from leakage, and impervious to ground water infiltration, exclude storm and surface water therefrom and shall be used to carry only domestic sewage and interior basement drainage. No inlet for storm water or land or surface drainage into any sewer shall be made. **(Also see Ch. 38; Art. IV of the City Code)**

31-1-7 **POLLUTION OF WATERS AND WATERCOURSES.** No person shall within Zone F, or in any other part of the drainage area, place, throw, discharge or cause to be discharged, any sewage, garbage, decayed or fermented fruit or vegetables, offal, dead body, manure, polluted, filthy, decaying, fermenting, putrescible or oily matter or liquid or industrial waste, into or so as to reach any natural or artificial watercourse or open or covered sewer ditch, tile or drain flowing directly or indirectly, continuously or intermittently, into and so as to pollute or tend to pollute the lake or other waters from which the City obtains a water supply. No person shall construct in Zone F or in any other part of the drainage area any open or covered sewer, ditch, tile or drain, or make any change therein or connection therewith so as to cause any pollution or polluted or oily water to flow into or reach more quickly, such lake or water supply of the City. No person shall within Zone F or in any other part of the drainage area construct or cause to be constructed, or use any toilet, water closet, urinal, sink, cesspool, privy, garage, slaughterhouse or other structure, establishment or place, which is so situated that polluted or oily liquid therefrom may continuously or intermittently so flow as to ultimately reach and pollute or tend to pollute the waters of the lake or other waters from which the City obtains or may obtain a water supply unless there is constructed, maintained and operated such sewage treatment and disposal units and facilities for the treatment or disposal thereof, approved by the City, whereby such polluted or oily liquid is treated or caused to be treated, so as not to pollute or tend to pollute or threaten pollution of the waters of such lake or water supply of the City. No connection for water service shall be installed or water service furnished by the City at any place in the drainage area, being that entire area of land which drains into Lake Glenn Shoals, or into Structure No. Fourteen (14) or any tributary or other stream above the impounding dam of such public water supply lake, unless there are constructed and satisfactorily maintained and operated such approved sewage treatment and disposal units and facilities for the treatment or disposal of the sewage from such premises.

31-1-8 **DISPOSAL OF WASTE, GARBAGE, ETC; USE OF MANURE AND FERTILIZER.** No house slop, sink waste, garbage, decayed or fermented fruit or vegetables or other fruit or vegetable refuse, offal, swill, carcass, filthy decaying, fermenting or putrescible matter of any kind or unsanitary waste produce or polluted or oily liquid or solid shall be thrown into the lake or placed, piled or discharged in any manner in Zones A, B, C, D, or E but shall be kept in watertight closed containers, approved by the City, and at regular intervals be buried underground and completely covered in level noneroding soil at least **one hundred fifty (150) feet** from the lake or be destroyed by fire or removed from Zone E in time or manner as required by the City; provided, however, that manure and commercial fertilizer may be used for horticultural purposes in Zone E, but no manure or commercial fertilizer shall be placed, spread or used on or in the grounds within Zone E, in such quantities or in such a manner as to cause or threaten any pollution of the lake or bring about any public or private nuisances, whatsoever.

31-1-9 **INTERMENTS PROHIBITED.** No interment of a human body shall be made within Zones A, B, C, D, or E.

31-1-10 **REGULATION ON LIVESTOCK AND POULTRY.** No person shall cause or permit any domestic livestock or poultry to run at large in Zone E. Any such livestock or poultry found at large in Zones, A, B, C, D or E may be taken up by the City and sold to pay the expense of taking, keeping, advertising and selling such livestock or poultry, and all damages caused to the City or its property by such livestock or poultry. No livestock or poultry shall be kept in Zone E except in such places and to such limited extent as may be expressly authorized by the City by lease and in a manner not tending to pollute any part of the lake or tending to be offensive or annoying to any custodian of any marginal land in such zone. No animal or poultry shall be allowed to stand, wallow, wade or swim or be washed or watered in the lake. No person shall bring, drive or lead any domestic livestock in Zone E except in lawful use of the public highway and except horses and draft animals while engaged in work or

ridden on such portions of Zone E as may be designated for riding or driving. No person shall cause or permit any horse or other animal to stand in any street, road or parkway unless securely hitched or in charge of some competent person.

31-1-11 **WASHING CLOTHES, ETC.** No clothing, bedding, carpet, vehicle, receptacle, utensil or article that tends to pollute water shall be washed in Lake Glenn Shoals.

31-1-12 **SWIMMING, BATHING AND WADING.**

(A) Swimming, bathing and wading is prohibited in Zone A, except as part of an organized event following council approval. **(Ord. No. 1496; 04-28-09)**

(B) Swimming, bathing and wading in the remainder of the lake is prohibited except:

- (1) At the municipal bathing beach.
- (2) Under the supervision of **one (1)** or more experienced lifeguards at such other portions of the lake as may be designated by the City for such use and which are provided with adequate and sanitary toilet facilities.
- (3) By the respective custodians of the marginal land, their families and guests, within Zone B and at or off the shore of the respective tracts of marginal land leased by the City to such custodians. If the use of the lake by the respective custodians, their families and guests, should in any way tend to create an unsanitary condition in any portion of the lake or tend to create a public or private nuisance in any part of the lake or in Zone E, or should be deemed by the City as unusually hazardous such respective custodians, their families and guests may be prohibited from further swimming, bathing or wading in the lake at or off the shore of such tracts of marginal land by a written notice to such custodians from the City.

(C) No person having any communicable disease or skin infection shall swim, bathe or wade in the lake.

(D) All persons using the lake for swimming, bathing or wading purposes shall use the same so as not to create any unsanitary condition in or about the lake, and so as not to pollute the waters thereof, or make such waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

(E) Swimming out of boats is hereby prohibited.

(F) Skin diving shall be prohibited except in designated areas.

(G) The City shall at all times have power and authority to prohibit swimming, bathing and wading in the waters of the lake for the purpose of preventing any pollution of or other injury to the lake or to suppress or prevent disease or other danger to public health or human life.

31-1-13 **WATER SKIING AND SURFBOARD RIDING.**

(A) No water skiing or surfboard riding shall be permitted between sunset and **one (1) hour** before sunrise.

(B) All water skiers or surfboard riders must wear approved life jackets, or belts and high visibility headgears.

(C) All skiers shall hold **one (1) ski** aloft when they fall in the water.

(D) The recreational use of jet skis, wet bikes, wave runners or any other type of personal watercraft is hereby prohibited on Lake Glenn Shoals on the following weekends and legal holidays:

- (1) Memorial Day and Memorial Day Weekend.
- (2) Fourth of July and Fourth of July Weekend.
- (3) Labor Day and Labor Day Weekend.

Every boat pulling a skier shall contain, at a minimum, the following persons: **one (1) driver and one (1) spotter. (Ord. No. 1185; 06-14-94)**

31-1-14 **BOATING.** The following shall apply to boating at Glenn Shoals Lake:
 (A) All boats shall conform to Illinois Boat Safety Regulations.
 (B) No boat permit shall be issued without proof of State registration and proof of liability insurance coverage.
 (C) No boat shall be operated, south of road and across lake from sunrise to sunset, in excess of **thirty-five (35) miles per hour.**
 (D) No boat shall be operated, south of road across lake from sunset to sunrise, in excess of **ten (10) miles per hour.**
 (E) In "**no wake**" areas designated by the City from time to time no boat shall be operated at a speed in excess of **five (5) miles per hour.**
 (F) No boat shall be operated, in the lake north of the road crossing the lake, in excess of **ten (10) miles per hour.**
 (G) During periods of time during which the level of water shall be high and above average, no boat shall be operated on the lake which causes a wake. That during such periods of times the Commissioner in charge of parks and lakes shall cause a red flag to be posted at each marina in full view of the public. **(See also Section 31-2-5)**

31-1-15 **FISHING.**
 (A) **Prohibited in Zone A; Rules and Regulations.** Fishing of any kind or character, whatsoever, is prohibited in Zone A. The City is hereby authorized and vested with full power and authority to make, promulgate and enforce such rules and regulations as may be deemed necessary and proper for regulating fishing as prohibited or permitted by this Chapter.
 (B) **State License Required; Obedience to State Law.** No person over the age of **twenty-one (21) years**, or other person required to be licensed by the laws of the State shall take, catch or attempt to take or catch any species of fish, frogs or turtles without a State fishing license in full force and effect, issued to such person and in his possession. All persons shall strictly adhere to the Fish Code of the State and amendments thereto.
 (C) **Hook and Line to be Used.** No person shall take or catch, any fish in the lake by any method whatsoever except that of a hook attached to a single line. The use of any seine of any character, or any dip, book, fyke, gill, pound or basket net or of any trap for the taking or catching of aquatic life is hereby prohibited. The use of snares or firearms for the taking or catching of aquatic life is hereby prohibited. Fishing shall be allowed only when and during the times the lines are attended. No more than **two (2) poles** per person is allowed, and each pole may have no more than **two (2) hooks** or lures attached while fishing.
 (D) **Restriction as to Marginal Land Leased by the City.** No person shall take, catch or attempt to take or catch any fish off the shore or within **one hundred (100) feet** of the shore of any marginal land leased by the City to any custodian for residence purposes except with the consent of such custodian.
 (E) **Suspension of Privilege.** The privilege of fishing in the lake or any part thereof may be suspended by the City at any time, whenever such suspension shall be deemed proper to conserve aquatic life or to prevent any tendency to pollute the waters of the lake, or to promote the improvement or convenient maintenance or control of Zones A, B, C, D, or E or any part thereof.
 The posting of any authorized sign in any part of such zones shall suspend the privilege of fishing at such location.
 (F) **Exemption of City and State.** Nothing herein enumerated in Subsections (A) to (E), inclusive, of this Section shall apply to or be construed to prevent or penalize anything done or caused to be done by the City or by agents of the Department of Conservation of the State in protecting or caring for the lake or the aquatic life therein.

(G) **Pollution of Water, Etc.** All persons using the waters of the lake for fishing purposes shall so use the same as not to create any unsanitary condition in or about the water or on any part of Zone E or so as to pollute or make any part of the waters unwholesome or unfit for use.

(H) There shall be no fishing within **two hundred (200) yards** of an occupied duck blind.

(I) There shall be no fishing within **twenty-five (25) yards** of the South Marina, Boat Dock and Ramp in Lake Glenn Shoals.

(Ord. No. 1524; 03-22-11)

31-1-16 PICKNICKING AND CAMPING. Picnicking and camping are prohibited in Zones A, B, C, D and E except:

(A) Upon such portions of Zone E as may be designated by the City for such purposes.

(B) By custodians of marginal land, their families and guests, upon such portions of the marginal land as may have been leased to such custodians by the City. If the use of such portions of Zone E by the respective custodians thereof, their families and guests should in any way tend to create an unsanitary condition at any place in the lake or tend to create a public or private nuisance in Zone E, such custodians, their families and guests may be prohibited from further picnicking and camping in Zone E, on their respective tracts of marginal land by a written notice to such custodians from the City.

Any persons picnicking, camping or making other use of Zone E shall keep the premises neat and clean, pick up and remove in a sanitary manner all paper, garbage, rubbish and debris and before leaving the premises put out any fire made by him.

31-1-17 PROTECTION OF BIRDS AND ANIMALS. No person shall trap, catch, kill or wound or attempt to trap, catch, kill or wound any bird or animal, take any bird egg or molest or rob any nest of any bird or animal or cruelly treat any bird or animal in Zones A, B, C, D, or E.

31-1-18 DOGS AND CATS. No vicious or dangerous dog shall be permitted in Zones A, B, C, D, or E. Any dog or cat found running at large may be taken up by the City, and if not promptly called for may be destroyed or otherwise disposed of all without liability on the part of any officer performing such duty or of the City.

31-1-19 USE OF FIREARMS AND TRAPS. No person shall fire or discharge any firearm of any description within the limits of Zones A, B, C, D, or E except the police officers of the City in the performance of their duties. The City may license or authorize any person to use firearms, traps or other means to destroy any predatory or otherwise undesirable animal, bird or aquatic life. The City may issue duck blind permits and authorize such licenses and their authorized guest to take ducks from Lake Glenn Shoals.

31-1-20 SKATING AND ICEBOATING. No person shall skate or use any iceboat or icecraft upon any of the ice of the lake in Zone A. A person shall skate or use any iceboat or icecraft upon any of the ice of the lake in Zones B, C, or D except upon such portion as may be designated by the City for such purpose and except by any custodian, his family and guests on that part of the lake adjoining the marginal land leased to such custodian. Any such skating and iceboating shall not be conducted in a reckless manner or at a speed greater than is reasonable and proper, having regard for the number of persons upon such designated portion. However, nothing herein contained shall be construed to prohibit any exhibition or contest of speed or fancy skating or iceboat racing upon such portion of the ice of the lake as may be set aside for that purpose by the City.

31-1-21 **ICE CUTTING.** No ice cutting shall be permitted in or upon the waters or ice of the lake.

31-1-22 **FIRES.** No fire shall be lighted or used in Zones A, B, C, D, or E except at such places as may be designated by the City for such purpose and except by any custodian, his family and guests on the parcel of marginal land leased to such custodian by the City.

31-1-23 **LIGHTING OR SETTING OFF FIREWORKS OR BALLOONS.** No fireworks or balloons shall be lighted or set off in Zones A, B, C, D, or E except (a) under supervision of or special permit from the City or (b) by any custodian of leased land within the confines of the leased premises in such manner as not to cause any fire or endanger any person or property on other premises.

31-1-24 **INJURY TO PROPERTY.** No person shall willfully, maliciously or negligently cut, break, climb on, carry away, conceal, transfer, tamper with, mark upon or in any way injure, damage flagstone, fence, wall, bridge, balustrade, railing, bench, building or other regulating device, transformer, meter, wire, wiring pole, curbstone, coping, or structure of any kind or property or take down, alter, mar, move, injure or destroy any sign, trail marker, placard, notice, post, pile or buoy posted or placed by the City or authorized to be posted or placed by the City, in Zones A, B, C, D, or E; or drive any motor car, vehicle, boat or craft in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure or deface or damage any such property, but custodians of the marginal land surrounding the lake may make changes and improvements as permitted in their leases from the City. No person shall open any fire hydrant of the City except a duly authorized fireman or agent of the City.

31-1-25 **BUSINESS ESTABLISHMENTS.** Unless duly authorized in writing by the City, no person shall in Zones A, B, C, D, or E maintain or operate any garage, restaurant, confectionery, refreshment parlor, dance hall, hotel, inn, place of amusement for hire, store or stand for the sale of merchandise. Any license issued therefor by the City shall be kept conspicuously posted in such place of business or establishment.

31-1-26 **PEDDLING AND BEGGING.** No person shall beg, solicit money or do anything pertaining to soliciting, peddling or hawking in Zones A, B, C, D, or E. **(See Chapter 7 of this Code)**

31-1-27 **ADVERTISING.** The erection or maintenance of any sign, bill, poster, placard or card or the distributing of any advertising matter by handbills, or otherwise, within Zones A, B, C, D, or E, except signs posted by the City is prohibited.

31-1-28 **FLYING DEVICES.** No person shall make an ascent in any balloon, aeroplane, hydroplane or any other device or any descent in any aeroplane, balloon, hydroplane or other flying device or parachute in Zones A, B, C, D, or E without a written permit from the City.

31-1-29 **GOING UPON PROHIBITED GROUNDS.** No person shall go upon any portion of Zones A, B, C, D, or E where, by a sign or notice, posted or authorized to be posted by the City, persons are prohibited from going.

31-1-30 **ENCROACHMENTS.** No building or structure or anything erected or constructed on the face thereof or in any way connected therewith shall extend into, upon or over any boulevard, road or parkway in Zones A, B, C, D, or E, unless a written permit for the same shall have been granted by the City, based upon a written application setting for the location and specifications of the encroachment.

31-1-31 **MOVING OF BUILDINGS.** No person shall move any building on, along, or across or obstruct or excavate in any boulevard, road or parkway in Zone E unless a permit in writing therefor shall have been procured from the City, based upon a written application setting forth the dimensions of the building to be moved and its contemplated route or the location or nature and specifications of the proposed excavations or obstructions, and upon depositing with the City such a sum of money as the City shall estimate will cover all damages to the roadway, trees, shrubs, grass, lampposts and other property and improvements upon such boulevard, road or parkway or upon filing an appropriate bond to guarantee such complete restoration as requested by the City.

After such work shall have been completed, the boulevard, road, parkway, grass, trees, shrubs, lampposts and other property and improvements shall be immediately restored to their former condition by the holder of the permit to the satisfaction of the City or by the City, as the City may elect. If restoration be made without expense to the City, and to its satisfaction, the sum deposited shall be refunded; but if any of the work be done by it the City shall certify the actual expense incurred and shall refund to the holder of the permit the difference, if any, between the amount deposited and the amount so certified by the City. In the event the amount so certified should be in excess of the amount deposited the holder of the permit shall immediately pay such excess amount to the City.

31-1-32 **ROAD OBSTRUCTIONS.** No building material, fuel, manure or other product may be deposited on any boulevard, road or parkway in Zone E. Such products may be temporarily deposited in such location, provided a written permit is secured from the City, based upon a written application setting forth the location and approximate time such obstruction will exist, and the amount of the boulevard, road or parkway the same will obstruct.

31-1-33 **REMOVAL OF OBSTRUCTIONS.** Any walk, opening, excavation, projection or obstruction which shall be constructed, erected, placed or maintained in or upon any boulevard, road or parkway contrary to any of the provisions of this Article or other ordinances of the City governing and controlling Zones A, B, C, D and E may be filled up, removed or abated by the City at the expense and risk of the person constructing, erecting, placing, maintaining the same.

31-1-34 **DANGER SIGNALS ON OBSTRUCTIONS.** Every person using or obstructing any portion of any boulevard, road or parkway for any purpose shall cause warning lights to be placed and properly maintained in conspicuous places from sunset until sunrise during the time such obstruction shall remain and shall also construct such other and proper safeguards as may be necessary to properly protect the public from injury, or if necessary, maintain a watchman at such obstruction.

31-1-35 **WALKS AND PRIVATE DRIVES.** No walk or private drive shall be constructed or laid in Zone E without a written permit from the City to construct or lay the same based upon a written application setting forth the location and the specifications for its construction.

31-1-36 **TRAFFIC SIGNS AND SIGNALS.** All persons shall obey all official signs and traffic signals and police officers of the City. The display of unauthorized traffic signs and signals is prohibited.

31-1-37 **VEHICLES NOT TO BE DRIVEN OFF ROADWAYS.** No vehicle shall be driven upon or part of Zone E except upon roadways and parking places constructed or designated by the City for such use; and except by any custodian upon lands leased to him.

31-1-38 **PARKING VEHICLES.** No vehicle shall be permitted to stand in any of the following places in Zone E, except when necessary to avoid conflict with other traffic or to comply with the directions of any police officer:

- (A) Where parking or standing is indicated to be prohibited by an authorized sign.
- (B) In any intersection or crosswalk.
- (C) Upon the roadway of, or approaches to, any bridge or the main impounding dam or dividing dam forming the lake.
- (D) At any place where the standing and parking of a vehicle will block the use of any walk or driveway.
- (E) At any place where the standing or parking of a vehicle will tend to obstruct the flow of a single line of traffic in each direction or cause either of such lines of traffic to veer from its course in the center of the roadway.

31-1-39 **SPEED OF VEHICLES.** No person shall drive a motor vehicle upon any boulevard, road, driveway or parkway at a speed greater than is reasonable and proper, having regard for the traffic and the use of the way and so as not to endanger the life, limb or injure the property of any person. The City may from time to time designate the maximum rate of speed on all boulevards, roads and parkways based on the location, nature and amount of traffic on the same and shall erect suitable signs indicating such maximum rates of speed. If the rate of speed of any motor vehicle operating on any boulevard, road or parkway shall exceed the rate of speed designated for such location, such rate of speed shall be prima facie evidence that the person operating such motor vehicle was running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the highway.

31-1-40 **VEHICLES YIELDING RIGHT OF WAY TO EQUESTRIANS.** The driver of any vehicle shall yield the right of way to any equestrian on any bridle path in Zone E, where such bridle path crosses any boulevard, road or parkway when signaled to do so by such rider; the raising of the arm of the rider shall be considered as a signal suitable for the action.

31-1-41 **DISORDERLY CONDUCT.** No person shall commit in public any indecent, lewd or filthy act, nor use any threatening or obscene language or make any indecent gesture or movement or make any indecent exposure of his person, solicit, pander or sell or offer to sell, give away or offer to give away or have in his possession or display or exhibit in public with or without any attempt to sell or give away, any obscene or indecent book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, model, case, instrument or any article for indecent or immoral use in Zones A, B, C, D, or E.

31-1-42 **VAGRANTS.** No beggar, peddler, hawker, tramp, mendicant, common drunkard, pickpocket, criminal, dissolute person or person who wanders about and begs or goes about from door to door or person who habitually violates this Article or any of the provisions thereof, or any amendment hereto, or rules or regulations made pursuant hereto shall enter or be in or upon any part of Zones A, B, C, D, or E.

31-1-43 **BREACH OF THE PEACE.** No person shall make, aid or countenance, or assist in making any improper noise, racket, disturbance, breach of the peace or anything tending to a breach of the peace, within Zones A, B, C, D, or E or be guilty of any disorderly or offensive conduct or collect or assemble any body or group of persons for any unlawful purpose or for the annoyance or disturbance of any person or the damage or destruction of property of the City or of any other person in Zones A, B, C, D, or E.

31-1-44 **INTOXICATED PERSONS.** No intoxicated person shall enter or remain in or upon Zones A, B, C, D or public grounds or places in Zone E.

31-1-45 **HINDERING OR INTERFERING WITH CITY EMPLOYEES.** No person shall interfere with or in any manner hinder any employee or agent of the City while engaged in any work or the improvement, care or supervision of any portion of Zones A, B, C, D, or E.

31-1-46 **BRIBERY.** No person shall corruptly, directly or indirectly, give, offer or promise to give any money or other bribe, present or reward, promise or contract, obligation or security for the payment of any money, present, reward or other thing of value to any officer, agent, employee or representative of the City, who is in charge of, controlling, supervising, governing or inspecting Zones A, B, C, D, E, or F, or any part thereof or work thereon, either before or after his selection, appointment or qualifying, for the purpose of influencing his act, vote, opinion, decision or judgment on any matter, question, cause or proceeding which may then be pending or may come or be brought before him in an official or other capacity for the City or to cause him to execute or perform any power vested in him or any duty of him required, with partiality or favor, otherwise than required by law, or as a consideration for some act done or about to be done contrary to the duty of such officer, agent, employee or representative.

31-1-47 **HOUSEBOATS.** It shall be unlawful for anyone to leave a houseboat, as defined in Title 33, Chapter 26, Subchapter III, Section 1322 of the U.S. Code, on Glenn Shoals Lake or Hillsboro Lake for more than **seven (7) consecutive days** not separated by at least **seven (7) consecutive days** on which said boat is not on said lake. Any violation of this Section shall result in the revocation of the lake permit for the remainder of the year as well as a fine as provided in the Hillsboro Code of Ordinances. **(Ord. No. 1431; 04-25-06)**

31-1-48 **WATERFOWL HUNTING REGULATIONS.**
(A) The Glenn Shoals Lake Waterfowl Hunting Rules and Regulations are hereby adopted by the City as the rules and regulations by which hunting shall be allowed in blinds on Glenn Shoals Lake. A copy of said Rules and Regulations is attached, marked **Exhibit "H"** and made a part hereof by reference.

(B) The Hold Harmless and Indemnity Agreement is adopted as a form which will need to be filled out by each blind holder prior to being awarded a hunting blind on Glenn Shoals Lake.
(Ord. No. 1651; 09-13-16)

31-1-49 - 31-1-50 **RESERVED.**

DIVISION II - SPECIAL POLICEMEN

31-1-51 **APPOINTMENT OF LAKE POLICE OFFICERS.** The City may appoint and employ such number of special policemen, deputy sheriffs and deputy game wardens to act as police officers, who shall be known as "**lake police**", as the City may determine to be necessary to enforce the provisions of this Article. Each such officer so appointed shall have authority to enforce the provisions of this Article and any and all ordinances, rules and regulations of the City or the government, control and protection of the lake and Zone E and all sanitary regulations and ordinances in Zone F, and any and all laws, ordinances, regulations and rulings of any governmental authority applicable to such zones or any of them and it shall be his duty to do so. Said officer shall be designated either a conservator of the peace, or an auxiliary officer. Only officers qualified under Illinois law may be designated a conservator of the peace. The City shall also designate whether the officer, so appointed, may carry a weapon. **(Ord. No. 1478; 06-24-08)**

31-1-52 **OATH AND BOND.** Each such officer shall before he enters upon the duties of his employment take the oath prescribed by law for public officers, shall give bond to the City in the sum of **One Thousand Dollars (\$1,000.00)** with such sureties as the City shall approve, conditioned upon the faithful performance of all the duties of the office.

31-1-53 **UNIFORMS AND BADGES.** Each such officer may wear a uniform of such material and pattern as may be prescribed by the City, to be furnished by each such officer at his own expense except that the metal star or shield shall be furnished by the City. Upon the resignation or removal of such officer the metal star or shield be immediately delivered up to the City.

31-1-54 **SPECIAL LAKE POLICE OFFICERS.** The City may, when in their judgment the protection, regulation or control of Zones A, B, C, D or E or the inspection of Zone F so requires, appoint or employ such special police officers as may be necessary and with such other duties as the City may prescribe. Such special police officers shall possess the powers and be subject to the duties of regular police officers herein provided for.

31-1-55 **POWERS AND DUTIES.** Each such officer herein provided for shall have the power and duty to preserve the peace and good order and to protect all property within Zones A, B, C, D and E; to arrest any person found in the act of violating or attempting to violate any law of this State or Code, rule or regulation of the City for the protection and control of Zones A, B, C, D and E and sanitary regulations and ordinances as to Zone F, or any person aiding and abetting such violation or attempted violation and shall take all persons so arrested before some court of competent jurisdiction. In the event that no such court is in session the person so arrested can be brought before some court of competent jurisdiction for trial; provided, however, that in all cases of violation of such ordinances, rules or regulations of the City, the arresting officer may in the first instance issue an arrest slip to the offending party, thereby notifying him where and in what court he shall appear not less than **six (6) days** after the service of such notice. It shall be the duty of such arresting officer to file copies of the arresting notice with a brief statement of the offense and name and address of the offender, together with his license number, if any, if known and within **twelve (12) hours** after the service thereof, with the City.

The City when deemed necessary may detail any such officer for the discharge of any special duty and may require such officers to perform police duty at any time of the day or night, although certain hours shall be allotted each such officer for duty, and such officer must be prepared to act on a moment's notice whenever his services may be required in view of any violation or threatened violation of any such ordinance, rule or regulation.

31-1-56 **POWER TO EXECUTE PROCESS.** Each such officer shall have the power and authority within the limits of Zones A, B, C, D, E or F to serve and execute warrants or other legal process for the apprehension and commitment of persons charged with or held for the commission of any crime or misdemeanor or the violation of any ordinance, rule or regulation of the City governing and controlling such zones and while serving and executing or assisting in the service or execution of any such warrant or legal process, he shall be vested with all the common law and statutory powers of constable for such purposes.

31-1-57 **NEGLECT OF DUTY.** Any such officer who shall neglect or refuse to perform any duty required of him by the City Code, rules or regulations of the City, or who shall in the discharge of his duties as such officer be guilty of fraud, favoritism, extortion, suppression, willful wrong or injury shall in each case be subject to suspension and removal from his duties as such police officer.

31-1-58 **CONDUCT OF LAKE POLICE OFFICERS.** Police officers shall be civil and respectful to the public upon all occasions, perform their duty with good temper and discretion and shall not at any time while on duty make use of violent, intemperate or abusive language. No such officer shall communicate to any person any information which may lead to the escape from arrest or punishment of any person accused of crime.

31-1-59 **MEMORANDA.** Each such officer shall always have with him a memorandum book in which he shall take the names of persons by him taken into custody together with the names of witnesses who may be necessary in the successful prosecution of such persons and also such matters as may be important in the trial of the case.

31-1-60 **ASSISTING LAKE POLICE OFFICERS.** Any such officer herein provided for may at any time call upon any able-bodied male person above the age of **eighteen (18) years** to aid him in arresting, retaining or holding in custody any person guilty of having committed any unlawful act or charged therewith or to aid such officer in preventing the commission of such unlawful act and whoever shall neglect or refuse to give such aid or assistance when so required shall be guilty of a violation of this Code.

31-1-61 **RESISTING LAKE POLICE OFFICERS.** No person shall resist or in any way hinder or prevent such officer in the discharge of his duty, or shall endeavor to do so, or shall in any manner assist any person in the custody of any such officer to escape or attempt to escape from such custody or shall attempt to rescue any person in such custody.

31-1-62 **IMPERSONATING LAKE POLICE OFFICERS.** Any person who shall falsely impersonate any such officer or other employee of the City or shall maliciously or with intent to deceive, use or imitate any of the signs, signals or devices used by such police officer or who not being such an officer shall wear in public the police uniform herein provided for shall be guilty of a violation of this Code.

31-1-63 - 31-1-65 **RESERVED.**

DIVISION III - ACTIONS, PROCESSES AND PROCEDURE

31-1-66 ACTIONS; HOW BROUGHT. All actions or suits to recover any fine or enforce any penalty under the provisions of this Article or any other ordinance for the government or control of Zones A, B, C, D, E or the sanitary regulation of Zone F and all prosecutions for violation of any such ordinance shall be brought and prosecuted in the name of the City before an appropriate **Judge of the Circuit Court.**

31-1-67 ARREST WITHOUT PROCESS. Whenever any person shall be arrested "on view" without process and shall be taken before any court the judge or presiding officer shall note upon the docket and state the name of the officer making the arrest and the arresting officer or other person shall make and file a complaint, and the judge or presiding officer shall thereupon proceed to hear and determine the cause in the same manner as if the defendant had been arrested by warrant.

31-1-68 COMPLAINT BY WARRANT. Whenever any person shall make a complaint in writing duly verified by affidavit before any officer authorized by law to issue warrants and shall set forth in such complaint that any provision of this Article or other ordinances of this City for the regulation and control of Zones A, B, C, D and E or the sanitary regulation of Zone F has been violated and that he, the complainant, has reasonable grounds to believe that the party charged in such complaint with such violation is guilty thereof, such officer may issue in the first instance a warrant for the arrest of the person so charged.

31-1-69 SLIP OR NOTICE. Whenever such an officer does in the first instance issue a slip or notice to any person for the violation of any provision of this Article or other ordinances of the City for the regulation and control of Zones A, B, C, D, E or the sanitary regulation of Zone F, such officer shall upon the failure of such offender to appear at the time and place therein stated make complaint for a warrant as provided in **Section 31-1-68** of this Code.

31-1-70 SUMMONS. All actions and suits for the recovery of any fine or penalty under any provisions of this Article or other ordinance of the City for the regulation and control of Zones A, B, C, D and E and the sanitary regulation of Zone F in cases where no warrant is issued and where arrest is not made "on view" shall be begun by summons.

31-1-71 BAIL. Any person arrested for the violation of any provision of this Article or other ordinance for the regulation or control of Zones A, B, C, D, E or F shall have the right to release himself from arrest by giving bail in double the amount of the highest fine prescribed for the violation charged, conditioned on his personal appearance at the time and place fixed for his trial upon such charge.

31-1-72 PLURAL OFFENSES. No prosecution, recovery or acquittal for the violation of any provision of this Article or other ordinance for the regulation or control of Zones A, B, C, D, E or F shall constitute defense to any other prosecution of the same party for any other violation of any such provision or ordinance although the different causes or action existed at the same time, and if united would have exceeded the jurisdiction of the court.

31-1-73 - 31-1-75 RESERVED.

DIVISION IV - INSPECTIONS

31-1-76 **RIGHT OF ENTRY.** The City, by its authorized representatives shall have the right to go upon and into Zones A, B, C, D and E and every part thereof and the improvements thereon at any and all reasonable times for the purpose of inspecting the same; also to gain access to other land; plant and care for trees and other vegetation; to construct or cause to be constructed and maintained sewer, water and gas pipes, electric and telephone lines and pipes and lines for other services and their appurtenances; to improve and protect the shoreline; and to do any other work pertaining to the improvement, protection, sanitary control and regulation of the lake and its environs.

31-1-77 **CITY'S AGENT.** The City, unless otherwise indicated, may act through its Commissioner of Public Property or Department of Public Property or any duly authorized agent or employee of such department.

31-1-78 **EXEMPTION OF ACTS OF CITY.** Nothing herein shall apply to or be construed to prevent or penalize anything done or caused to be done by the City in constructing, operating, improving, repairing, maintaining, patrolling, policing, protecting or caring for the lake, the aquatic life therein, the shores thereof, Zone E, the birds and natural life thereon, or any part of the waterworks system of the City.

31-1-79 - 31-1-80 **RESERVED.**

DIVISION V - PERMITS

31-1-81 **RULES AND REGULATIONS.** The appropriate department of the City shall have the power to establish general rules and regulations for the administration of this Article and such other rules and regulations as may be deemed advisable or necessary to make, in giving full force and effect to the carrying out of the provisions of this Article and may amend and repeal any such rules and regulations.

31-1-82 **PERMITS AND LICENSES.** All applications for permits or licenses herein provided for shall be directed to the City.

All permits and licenses herein provided for that may be issued by the City shall not be transferable in any way, but all benefits which may be derived therefrom shall accrue only to the person to whom the permit was originally issued by the City.

Each permit or license, whether or not issued for a consideration shall be subject to revocation by the City, unless otherwise expressly provided, whenever the licenses or holder of such permit in any way violates or permits the violation of any law, ordinance, rule or regulation for the regulation, care, protection or control of the lake, drainage area or water supply of the City. All such permits or licenses may be consecutively numbered.

Each custodian of marginal land and each licensee or holder of any permit from the City herein provided for shall at all times keep his post office address on file with the City, and any provisions for written notice to any custodian, licensee or holder of any permit from the City herein provided for shall be deemed for all purposes to have been complied with when the same in writing shall have been deposited in the United States certified mail, postage prepaid and properly addressed to such designated address. The affidavit of the person so mailing such notice together with the registry receipt shall be prima facie evidence of the mailing thereof.

31-1-83 CAMPING.

(A) In pursuance of the authority conferred by **65 ILCS 5/11-100-1 of the Illinois Municipal Code**, all persons at the lake or upon the unleased lands and park belonging to the City adjacent to the lake, are required to abide by the following rules and regulations when camping, or using mobile homes, campers, mobile cabins, or tents.

(B) No person shall camp, use a camper, mobile home, mobile cabin, or tent upon the lands or park without first registering with either the City Clerk, or the Commissioner of Public Property or his designee. Any person desiring to register shall give his name, current state license number on any vehicle which will be used by him, and description of the type of accommodation he intends to use, together with his residence address. Upon registration the applicant shall state the duration of his intended stay and shall pay a fee in accordance with the schedule adopted by Resolution of the City Council from time to time. **(Ord. No. 1608; 02-10-15) (See Exhibit "A")**

(C) It shall be the duty of every person obtaining such a permit to remove his camping or other equipment within **one (1) hour** after the expiration time and to obey all rules and regulations pertaining to the use of the park. It shall be unlawful for any person to place camping equipment on the lands without first obtaining the permit required; and any person causing his camping equipment, camper, mobile home, mobile cabin or tent to be placed on the grounds without first obtaining a permit, or to permit such to remain after the permit has expired, agrees to pay in addition to the penalties herein provided, a reasonable charge for removal service and storage and the person furnishing such services may hold the property until such service is paid in full.

(D) **Use of Leased Lots.** The following regulations shall apply to leased lots in addition to all other city ordinances:

- (1) No person shall permit any campfire or any other open flame or fire to be unattended at any time. No burning of garbage is allowed.
- (2) All campfires shall be completely surrounded by a fireproof ring of bricks, stones, blocks, steel metal ring or other fireproof material.
- (3) There shall be no trailers, mobile homes, buildings with solid sides placed or any outhouse or privy placed on any leased lot. This shall not apply to any storage building already on any leased lot adjacent to a platted subdivision where the owner of the storage building on the leased lot is an adjacent property owner, until such time that said storage building is removed, destroyed or becomes dilapidated as defined by the Nuisance Code of the City, at which time it shall not be replaced.
- (4) Lots must be kept in a clean and sanitary condition at all times and maintained in an orderly manner.
- (5) Lots shall be kept free of garbage, litter, trash and small debris, and all containers or receptacles for garbage, trash, litter and debris shall be removed on a regular basis. Glass containers are discouraged.
- (6) No live trees shall be cut or removed other than saplings or those with diameters less than **three (3) inches**. Dead trees and branches shall be removed by Lessees. Any person found to have cut down or to have intentionally damaged any tree with a diameter in excess of **three (3) inches** causing it to die, shall forfeit their deposit. Presence on a lot of any cut tree and/or stump of a cut tree shall be prima facie evidence that Lessor cut or damaged said tree or that it was done with Lessor's knowledge and/or at Lessor's direction. Flagrant, excessive or recurring violation of the intent of this Section may result in the cancellation of the lease.
- (7) No inflammable substances nor container of flammable substances shall be left unattended on any lot.
- (8) Decks and open-sided pavilions are allowed but must be kept in a safe, orderly and well-maintained condition. Decks, pavilions and any other similar structure shall be supported by piers or treated posts not less

than **four inches by four inches (4" x 4")** and shall be anchored not less than **three (3) feet** in the ground. Any roof on any deck, pavilion or other structure erected on a lake lot must be made of metal or shingles and must be maintained in a neat and orderly manner. Tarps or tarpaulins shall not be utilized as a roof on any structure. Any deck, pavilion or other similar structure must be removed by Lessee upon termination of the lease. Any deck, pavilion or similar structure left after termination of the lease becomes property of the City without right or recourse of the lessee.

- (9) Each lot shall have no more than **one (1) storage box** no larger than **four feet by four feet by eight feet (4' x 4' x 8')** or **four feet by eight feet by four feet (4' x 8' x 4')**. Storage boxes must be secured by not less than **two (2) screw anchors** or **four inches by four inches (4" x 4")** treated posts, anchored not less than **three (3) feet** in the ground, or by **three-eighths (3/8) inch** galvanized steel cable. No refrigerator or freezer shall be used as a storage box.
- (10) Any tarp or tarpaulin or cover utilized on any lot, not including tents, are to be tan, gray or natural wood color. Blue tarps are prohibited. Any metal dock shall be made of galvanized metal or painted with aluminum paint.
- (11) When not occupied overnight, all items on a lot that may float or may be washed into the lake by moving water, such as, for example but not by way of limitation, picnic tables, benches, or garbage cans, shall be attached to a screw anchor or similar device not less than **three (3) feet** in the ground. Cable spools, stored lumber or barrels not in use are prohibited.
- (12) No person shall allow any underage persons to consume alcoholic beverages on any lot. No person shall allow any unreasonable noise or music emanating from said lot to disturb the peaceful enjoyment of other lessees or landowners of their property.
- (13) No person shall leave any domestic animal unattended on any lot. No person shall provide or intentionally leave any food, including garbage, to attract any wild animals such as squirrels, foxes, raccoons or otherwise.
- (14) Every camper or lease holder shall have a lake lot number posted on **six inch by eight inch (6" x 8")** white reflective background with **three and one-half (3.5) inch** black numbers if the lake lot is south of Meisenheimer Avenue, and **three and one-half (3.5) inch** red numbers if the lake lot is north of Meisenheimer Avenue. The sign containing the lot number shall be posted on the southern-most boundary of the lot and staked into the ground. The lot number signs shall not be nailed to a tree and must be visible from the lake. **(Ord. No. 1631; 09-22-15)**

(Ord. No. 1591; 12-10-13)

31-1-84 - 31-1-85 RESERVED.

DIVISION VI - BOAT REGULATIONS

31-1-86**LEASES, BOAT DOCKS, FEES.**

(A) Boat docks shall be permitted upon the City approving a boat dock permit from the leaseholder. **(Ord. No. 1637; 02-09-16)**

(B)

Boat docks on Glenn Shoals Lake shall meet the following specifications:

- (1) Boat docks shall not exceed **thirty (30) feet** in length from the shoreline unless a variance is granted by the City. The City also reserves the right to limit the length of docks to less than **thirty (30) feet** upon specific areas of the lake where, in the City's opinion, a dock length of less than **thirty (30) feet** could constitute dangerous, unsafe, or hazardous conditions to people using the lake. All docks shall be tied down by a minimum of **three-eighths (3/8) inch** galvanized steel cable from the **two (2) corners** nearest the shoreline to screw anchors not less than **three (3) feet** in the ground. Any dock removed from the lake and placed on shore shall be secured by a minimum of **three-eighths (3/8) inch** galvanized steel cable attached to **two (2) corners** of the dock and screw anchors not less than **three (3) feet** in the ground so as to prevent the dock from floating offshore. All walkways or stairways to docks must either be attached to the dock of the shoreline or attached to treated posts not less than **four inches by four inches (4" x 4")** not less than **three (3) feet** in the ground, so as not to become a danger to be separated from the dock and float into the lake. Any deviations from these requirements shall be granted in writing by the Commissioner of Public Property, after approval by the City Council, and shall only be granted if the nature of the shoreline requires.
- (2) **Two (2) inch** lumber shall be used in the construction of the boat docks and must be treated or painted with only substances which will not harm or contaminate the lake.
- (3) Boat docks shall be of a floating nature supported by marine approved flotation material. Dock floats must be used instead of plastic barrels. All people currently having docks with plastic barrels shall be able to continue the use of the plastic barrels for a period of **three (3) years** after the enactment of this Article. All new construction must use dock floats or Styrofoam encased in plastic housing. At the expiration of **three (3) years** from the date of the enactment of this Article, all docks at the lake must be in compliance in using marine approved flotation material or Styrofoam encased in plastic housing.
- (4) The use of oil drums, chemical drums, or any other drum which previously may have contained any type of foreign matter is prohibited.
- (5) All boat docks shall have the lot number posted on docks so that lot number is permanently attached and visible from boat traffic on the lake.

(Ord. No. 1637; 02-09-16)

(C)

- (1) Riprapping of the shoreline shall be permitted only upon written or verbal advance approval of the City.
- (2) The City may institute a program wherein the City provides the material for the barrier and the riprap to a lessee.

(Ord. No. 1591; 12-10-13)

(D)

- (1) It is the policy of the City to lease land, including the issuance of boat dock permits, to adjacent landowners, City residents and others for purposes of recreation and access to the water on City property or otherwise. Special privileges previously granted to landowners who sold

land to the City and the time for exercising those privileges has expired. All persons shall be governed by this Code.

- (2) Owners of real estate adjacent to the lake shall be given the first option to lease lake lots adjoining their property when said lake lots become available. Failure to maintain all aspects of the lease shall result in loss of the lot and assignment of the lease to the next person requesting a lake lot.

(Ord. No. 1591; 12-10-13)

(E) The lot size available for lease shall be **one hundred (100) feet** along the shoreline with a depth of **fifty (50) feet** when available on City owned property.

(F) The fee for each leased lake lot and boat dock, whether or not a boat dock is constructed upon the leased ground, shall be established by Resolution of the City Council from time to time. **(Ord. No. 1608; 02-10-15) (See Exhibit "B")**

(G) Only **one (1) boat dock** shall be constructed on each leased lot, and only **two (2)** leased lots shall be leased to each household. **(Ord. No. 1442; 08-22-06)**

(H) Prior year lessee shall have the right to renew the lease, but the prior year lessee must do so on or before the **thirty-first (31st) day of March** of each year; except present lessees shall have **fifteen (15) days** from the passage of this Code to renew their lease for the present year and to have priority.

(I) The City reserves a right-of-way and easement for passage only across any leased lot which reservation shall inure to the benefit of the public generally.

(J) **Leases.** Boat dock permits shall be inspected annually, and such inspections shall be conducted by or under the supervision of the Commissioner of Parks. It shall be the responsibility of the Commissioner of Parks to recommend renewal or non-renewal of boat dock permits.

(K) In addition to the lease fee provided in subsection (F) above, a deposit, established by Resolution of the City Council from time to time, shall be required to ensure compliance with terms of the lease and this Chapter, to insure that all leased lots are kept in a clean and well-kept condition and to insure the removal of all improvements after termination of the lease. In the event any lot is left in violation of any provision of this Chapter or term of the lease as determined after **October 1** of the lease year, a warning shall be issued granting a **ten (10) day** grace period for correction. Failure to correct the violation within **ten (10) days** will result in forfeiture of the deposit to the City. The City shall provide written notice to the Lessee of said forfeiture by **November 30th** of the lease year and said Lessee shall be ineligible to lease a lake lot thereafter. **(Ord. No. 1608; 02-10-15)**

(L) No person shall lease or apply to lease any lake for any other person for the purpose of obtaining a more favorable annual fee, or, for the purpose of leasing a lot to a person who might not otherwise be eligible to lease said lot, or, for the purpose of evading or circumventing the waiting list for lots. Lots may only be leased by the person or persons who will actually primarily use said lot and be subject to the terms of the lease. Any person in violation of this Section shall lose their lease privileges immediate for that year, forfeit their fee and deposit, and be prohibited thereafter from leasing any lake lot. **(Ord. No. 1591; 12-10-13)**

31-1-87 - 31-1-90 RESERVED.

DIVISION VII - DUCK BLINDS

31-1-91 DUCK BLIND REGULATIONS.

(A) The City Clerk may issue a duck blind permit upon receipt of a fee from an authorized applicant. The fee structure, effective dates, and any other conditions or requirements associated with the duck blind permit shall be established by Resolution of the City Council from time to time. **(Ord. No. 1608; 02-10-15) (See Exhibit "C")**

(B) Any duck blind installed at Lake Glenn Shoals shall be removed by **April 1** of the following year. In the event the blind is not removed, the applicant shall forfeit the deposit made and anyone failing to remove their blind shall not be issued another duck permit for a period of **five (5) years** thereafter.

(C) Duck blinds shall be placed at locations designated by the City.

(D) All duck blind sites shall be kept clean and orderly.

(E) Duck blinds shall be at a minimum of **two hundred (200) yards** apart.

(F) There shall be no fishing or boating within **two hundred (200) yards** of any duck blind during the duck season.

(G) There shall be no hunting of any kind at the old City Lake.

(H) Landowners adjoining Lake Glenn Shoals shall be given the opportunity the first- and second-days permits are being issued, to obtain a duck blind permit for one (1) blind at their property and shall have priority in obtaining a permit for placing a blind at their property. However, no duck blind permits shall be issued for duck blinds along subdivision lots. Previous duck blind owners shall be given the opportunity the first- and second-days permits are being issued to obtain a duck blind permit for one (1) blind at their previous location. The third day permits are issued is open to anyone who wishes to obtain a permit for any remaining locations. After the third day additional permits for blinds can be obtained, however only one (1) blind will be given priority issue status.

(I) It shall be the responsibility of those receiving a permit to place a stake at the designated location of their blind.

(J) The City retains the right to examine the duck blinds at anytime.

(K) There shall be no harassment of rafting ducks.

(L) There shall be used no less than **twelve (12) decoys** at any time.

(M) It shall be unlawful for anyone except duck blind permit holders or their guests to occupy and use the duck blind.

(N) All persons hunting ducks on Lake Glenn Shoals shall comply with all State and Federal Laws and regulations.

(Ord. No. 1389; 06-08-04)

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ARTICLE II - BOAT REGULATIONS

31-2-1 **DEFINITIONS.** Terms used in this Article mean as follows, unless the context clearly requires a different meaning:

"BOAT". Every description of watercraft used or capable of being used as a means of transportation on water.

"MOTOR BOAT". Any boat propelled by machinery, whether or not such machinery is the principal source of propulsion.

"OPERATOR". Any person engaged in the business of buying, selling or exchanging boats or motors, or both, and who has an established place of business for such purpose.

"SAIL BOAT". Any watercraft propelled by sails or canvas. Any watercraft propelled by both sail and canvas and machinery of any sort shall be deemed a motor boat when being so propelled.

31-2-2 **LICENSE OR PERMIT REQUIRED.** No boat shall be placed or operated on Lake Hillsboro or Lake Glenn Shoals, until a license or daily permit for said boat has been issued by the City of Hillsboro; and no such license or daily permit will be issued until the registration requirements of the Boat Registration and Safety Act of the State of Illinois have been complied with.

31-2-3 **BOAT FEES.**

(A) **General.** The fees for placing boats on Lake Hillsboro and Lake Glenn Shoals shall be established by Resolution of the City Council from time to time. **(Ord. No. 1608; 02-10-15)**
(See Exhibit "D")

(B) **Transfer of License.** A license may be transferred from one boat to another boat purchased or owned by the license holder upon the payment of a **Three Dollar (\$3.00)** transfer fee and the payment of any additional license fee that might be due to an increase in horsepower. The tags or stickers issued with the license shall be displayed on each side of the licensed boat within **one (1) foot** of the transom. Any dealer's license may be placed on a moveable plaque. **(Ord. No. 1020; 05-22-84)**

(C) **Reserved.** **(Ord. No. 1453; 01-23-07)**

(D) **Term of License.** All licenses set forth herein shall run from January 1 of each year to January 1 of the following year. No part year licenses shall be issued.

(E) **Dealer's License.** The fee for a dealer's license shall be **Sixty-Two Dollars (\$62.00)** per year. This fee will entitle the dealer to one dealer's sticker. **Two (2)** additional stickers may be purchased by the same dealer for the additional sum of **Five Dollars (\$5.00)** each. Each dealer will be entitled to a maximum of **three (3) stickers** per year. Stickers must be displayed in windshield of boat or carried by operator.

(F) **Senior Citizens Reduction.** There shall be a reduction in fee to citizens **sixty-five (65) years** or older which reduction shall be **fifty percent (50%)** of the fee up to ten horsepower motors and a reduction of **twenty-five percent (25%)** to such persons on motors exceeding ten horsepower.

(G) All City boat stickers shall be displayed on the boat's port bow. **(Ord. No. 1367; 06-10-03)**

31-2-4 **RESERVED.** **(Ord. No. 1453; 01-23-07)**

31-2-5 **BOAT OPERATING RULES.**

(A) **Speed.** No boat shall be operated on Lake Hillsboro at a speed in excess of **ten (10) miles per hour.**

(B) **Life Saving Devices.** There shall be an approved coast guard life saving device on board all watercraft for each person in the craft. **One (1)** approved life saving device shall be in the watercraft for each person who is water skiing.

(C) **Wake.** No person shall drive a boat near the launching site in such manner that his wake will create a hazard to boats moored, being launched, or taken from the water.

(D) **Passenger Location.** No person may operate a watercraft with anyone riding the gunwhales or the decking over the bow.

(E) **Intoxication.** It shall be unlawful for anyone to drink intoxicating beverages, use narcotic drugs or barbitol before or while operating a boat.

(F) **Overloading Boats.** No boat shall be loaded with passengers or cargo, or both, beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions.

(G) **Careless Operation; Speed.** No person shall operate any boat in a careless or heedless manner so as to be grossly indifferent to the person or property or other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring in the motorboat to a stop within the assured clear distance ahead.

(H) **Reckless Operation.** No person shall operate any motorboat in such a manner as to endanger the life or limb, or damage the property of any person.

(I) **Boat Exhaust.** All inboard and inboard/outboard boats equipped with a captain's switch shall be operated with the switch in the position to direct the engine exhaust below water level. **(Ord. No. 1367; 06-10-03)**

31-2-6 **SWIMMING.** There shall be no swimming in Lake Hillsboro except in the assigned and designated area which is the City operated Lake Beach. Further, there shall be no swimming in the designated area except during those hours the area is open to the public. The Commissioner of Public Property is authorized to promulgate additional regulations with regard to swimming in Lake Hillsboro by means of appropriate signage posted at said Lake Beach. All such regulations are subject to review and revocation by the City Council. **(Ord. No. 1526; 03-22-11)**

31-2-7 **ACCIDENTS.** The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of the accident and shall give his name, address, full identification of his boat and the name and address of the owner, to the person struck or the operator or occupants of the boat collided with, and shall render to any person injured in such an accident reasonable assistance, and shall report such accident to the nearest or most convenient law enforcement agency or office.

31-2-8 **OPERATION BY UNQUALIFIED PERSON.** The owner of any motor boat, or any person having such in charge or in control, shall not authorize or knowingly permit the same to be operated by any person who by reason of age or physical or mental disability is incapable of operating such motor boat under the prevailing circumstances.

31-2-9 **FIRE PREVENTION.** Except for open boats, all motorboats which use fuel having a flashpoint of **one hundred ten degrees Fahrenheit (110°F)** or less shall have at least **two (2)** ventilator ducts, fitted with cowls or their equivalent for the efficient removal of explosive or inflammable gases from the bilges of every engine and fuel tank compartment. There shall be at least **one (1)** exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least **one (1)** intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowl shall be located and trimmed for maximum effectiveness and in such a manner as to prevent displaced fumes from being recirculated.

31-2-10 **PARENTS RESPONSIBILITY.** Parents or guardians shall be held responsible for their minor children, should they violate any portion of this Article. No person under **twelve (12) years** of age may operate any vessel propelled by a motor of **ten (10) horsepower** or more unless the person is under the direct supervision of a person **sixteen (16) years** or older who is qualified and capable of operating the vessel.

31-2-11 **ADDITIONAL REGULATIONS.** The Council and Park Commissioner shall have authority to adopt any further regulations necessary to carry out the intent of this Article.

31-2-12 **GLENN SHOALS BOATING RESTRICTIONS.**
(A) The Commissioner of Property shall investigate and determine those areas of Lake Glenn Shoals which might cause a hazard to person and property if boating was allowed thereon.
(B) The Commissioner shall designate by buoys, those areas in which no boats shall be allowed on Lake Glenn Shoals.
(C) The Commissioner shall designate those areas, by buoys, on Lake Glenn Shoals, on which no wakes shall be created by boats.
(D) No person shall maintain or operate a boat in those areas so designated by the Commissioner.
(E) No person shall cause wakes in those areas designated by the Commissioner.

31-2-13 **AIRBOATS PROHIBITED AT TIMES.** Boats propelled by an airfan driven engine mounted above the deck, commonly known as an airboat shall be prohibited at all times on Glenn Shoals Lake and Lake Hillsboro except for **one (1) day** during each of two time periods: **April 1 – 15** and **October 1 – 15**, for the sole purpose of breaking in engine or performing maintenance. Days must be coordinated through the Park Superintendent and a daily boat permit shall be required. **(Ord. No. 1366; 06-10-03)**

31-2-14 **PENALTIES.** Any person who violates any of the provisions of Article I or Article II, upon conviction thereof, shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, or by having his daily permit revoked, or his boat license suspended for a period of time not to exceed **thirty (30) days**, or both; or his lease and boat dock permit suspended for **thirty (30) days**, or both; and upon repeated convictions, may have his boat license revoked or lease and boat dock permit revoked.

ARTICLE III - SHERWOOD FOREST REGULATIONS

31-3-1 **RULES AND REGULATIONS.** The following rules and regulations shall govern the use of the campground at the City Lake of Hillsboro, Illinois known as Sherwood Forest Campground. The dates of operation of the campground shall be determined by the Commissioner of Public Property [presently April 1st through October 31st].

(A) No person shall allow any unreasonable noise or music emanating from his site to disturb the peaceful enjoyment of other campers.

(B) Quiet hours are from **10:00 P.M. until 8:00 A.M.** every day, including weekends, but excluding special events approved by the Commissioner.

(C) There shall be no alcoholic keg parties or beer parties allowed at any time, inside or outside of camper's mobile home or tent.

(D) All overnight visitors must be registered with the campground host.

(E) Camping is allowed only by permit (paid fee), and the permit must be placed in designated spot along with arrival/departure card.

(F) Camping shall be permitted only in the area designated by campground host and or Commissioner of Public Property.

(G) Vehicles and boat trailers may be parked only on the camper's assigned site. A boat parking area will be provided for boat trailers that do not fit on a camper's site, and such boat trailers must be parked in this area.

(H) Campsites are to be kept free of trash, bottles, cans, and all other garbage, refuse, and rubbish. All such items are to be placed in plastic bags and placed in a dumpster. "Dumpster diving" is not allowed.

(I) Fireworks are not permitted in the campground.

(J) Seasonal campers are responsible for mowing their sites and keeping any graveled area on their site free of grass and weeds. For mowing purposes, seasonal campers must bury all power cables, television cables, satellite cables, and other cables that are on or cross another's site. All clotheslines must be taken down when not in use.

(K) Recreational vehicles made by a manufacturer are permitted; converted school buses will be permitted at the discretion of the Commissioner for Public Property or his designated agent.

(L) No permanent structures allowed. The addition of landscaping timbers or gravel on campsites, or of any other modification to the state of a campsite must first be approved by the Commissioner of Public Property.

(M) There shall be no refrigerators, ice boxes, or freezers of any kind or style larger than 4.0 cubic feet outside of campers.

(N) There shall be no swimming pools, water slides or hot tubs of any kind permitted at any campsite.

(O) Firewood shall be stacked at least **six (6) inches** above the ground or otherwise in compliance with applicable state regulations.

(P) The City will make reasonable efforts to provide water and electricity during the regular camping season, but availability is not guaranteed. Dry camping may be made available from November through March.

(Q) There shall be no burning of leaves at any time, except by City personnel.

(R) All pets must be on a leash and under control at all times. They are not to be secured to any trees in any way. Pet owners are to clean up after their pets at all times.

(S) Trees are not to be cut, nailed into, or damaged, except by City personnel. Also, plants and flowers are not to be cut, except by City personnel.

(T) Parents are responsible for their children at all times.

(U) Tarps or tarpaulins shall not be utilized as a roof on any mobile home or camper and may only be used for temporary repairs not exceeding **ten (10) days**, unless otherwise approved by the Commissioner in cases of extreme hardship.

(V) Any tarp or tarpaulin or cover utilized at any campsite, not including tents, is to be tan, gray or natural wood color. Blue tarps are prohibited.

- (W) **Fires.**
- (1) Fires will be permitted only in a fire ring or an enclosed area constructed of materials such as brick or stones in a ring to guard against hostile fires.
 - (2) Campfires must be at least **fifteen (15) feet** away from mobile homes, tents, vehicles, firewood, or other flammable objects, unless otherwise provided in writing by the Commissioner of Public Property.
 - (3) Grills and other open fires are not allowed in or on cabins.
 - (4) All fires must be extinguished when retiring or breaking camp.
- (X) State law prohibits dumping of gray water on ground or into a ground pit. All gray water must be put in a dump station. Anyone determined to be in violation of this provision will be removed permanently from the campground.
- (Y) Riding of bicycles in other campsites is prohibited. Bicycles must remain on designated roadways or paths and must travel in the same direction as other vehicles on said roads or paths. No bicycles may be operated after sunset in the campground at City Lake Park.
- (Z) Mini-bikes, dirt bikes, all terrain vehicles, skateboards and unlicensed motor vehicles are prohibited in campground area and campground roads, except that golf carts operated by drivers **sixteen (16) years** of age or older and in compliance with the Illinois Vehicle Code and Hillsboro Ordinance 1618, shall be permitted.
- (AA) There shall be no refund on camping fees, except in cases of extreme hardship as determined by the Commissioner of Public Property.
- (BB) The City of Hillsboro reserves the right to refuse service to anyone.
- (CC) Campers are not permitted to move from the assigned site without approval from the campground host and in accordance with the applicable moving policy. Campsites are not transferable from one camper to another. Camping units that sell during the camping season must be removed from that site; purchasers are not allowed to use the prior owner's campsite.
- (DD) The shower rooms and the Pavilion provided by the City are designated as "No Loitering" areas.
- (EE) The playground at the City Lake Park campground shall be closed from sunset to sunrise, excluding special events approved by the Commissioner, and shall otherwise be subject to such rules as may be posted by the Commissioner of Public Property from time to time.
- (FF) Only **one (1) picnic table** is permitted per campsite, unless permitted otherwise by campground host and for only a limited period of time.
- (GG) The Commissioner for Public Property may designate a "campground host" to act as his/her agent. Said campground host shall have the authority to enforce the above stated rules and regulations, shall assist in the campground events that are planned in conjunction with third parties, and shall have the authority to designate people during said events to help park campers and to move picnic tables and fire rings.
- (HH) Checkout time for Sherwood Forest Campground shall be **3:00 P.M.** A late checkout fee will apply after **3:00 P.M.** on the day of checkout.
- (II) Camping fees are for **one (1) camper** or for **one (1) tent** only; additional campers or occupants of additional tents must pay additional fees. A tent for children under the age of **sixteen (16)** accompanied by an adult is the only exception to this rule.
- (JJ) **Pre-Registration.** Seasonal campers (those who stay **April 1 – October 31**) must pre-register and make a prepayment of **One Hundred Dollars (\$100.00)** by **October 15** to reserve their site for the next season. IF payment is not made by **October 15**, then a **Fifty Dollar (\$50.00)** late payment fee will be assessed to the seasonal camper. After a period of **five (5) calendar days** has passed, if payment is not made, the site will be forfeited and the seasonal camper will not be able to pre-register for the next camping season, and their site will go into the lottery to be drawn by another camper. This prepayment shall be applied towards the next year's seasonal fee and is non-refundable.
- (KK) **Late Fees.**
- (1) **Seasonal Campers.** Camping fees are due by **March 15** each year. Payment may be made in **two (2)** installments, by paying **one-half**

(1/2) of the total fee by **March 15**, and the balance by **June 1**. If the minimum payment is not received by **March 15**, the site will be forfeited, and the camper will not be allowed to move in on **April 1**. If the total fee is not paid by **June 1**, the site will be forfeited, and such camper will be charged monthly fees for the remainder of the year until checked out.

- (2) **Monthly Campers.** Camping fees are due in advance and monthly thereafter according to the date of arrival. If the fees are not paid to the campground host by **3:00 P.M.** on the date of checkout, the applicable daily rate shall apply for each additional day thereafter that the monthly fee is not paid.
- (3) **Weekly Campers.** Camping fees are due in advance and weekly thereafter according to the day of arrival. If the fees are not paid to the campground host by **3:00 P.M.** on the date of checkout, the applicable daily rate shall apply for each additional day thereafter that the weekly fee is not paid.
- (4) **Daily Campers.** Camping fees for the full stay are due in advance at the time of registration. Extensions must be paid to the campground host before **3:00 P.M.** on the date of checkout. After **3:00 P.M.**, the applicable daily rate shall apply for each additional day thereafter.

(Ord. No. 1671; 02-13-18)

31-3-2 **CAMPING FEES.** The payment of all camping fees shall be made to the Park Custodian upon request or upon entering the park or to the Commissioner of Public Property's designated representative. **(Ord. No. 1671; 02-13-18) (See Exhibit "A")**

(Ord. No. 1377; 11-12-03)

ARTICLE IV – GENERAL REGULATIONS

31-4-1 **SKATEBOARDS, ETC.** Skates, skateboards, scooters, bicycles, in-line skates and other wheeled vehicles are prohibited on all tennis courts of the City of Hillsboro or Hillsboro Sports Association. **(Ord. No. 1378; 11-25-03)**

31-4-2 **FISH SIZE RESTRICTIONS AND LIMITS.** The Commissioner of Public Property is authorized to promulgate regulations with regard to the size and/or number of fish taken from Lake Glenn Shoals and from Lake Hillsboro. All such regulations promulgated by the Commissioner of Public Property shall be made known to the public by means of appropriate signage posted at said lakes near the boat docks and ramps of the respective lakes, as applicable, and at such other locations as may be deemed appropriate by the Commissioner. All such regulations are subject to review and revocation by the City Council. For purposes of any "Catch-and-Release" limitation that might be imposed, the term shall mean that such fish must be returned to the lake alive and unharmed immediately after catching, except that, for fishing tournaments approved by the Commissioner, persons shall be allowed to hold fish for weigh-in before returning fish to the lake alive. Any person violating the provisions of any limitations imposed pursuant to this Section shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**, except that violations with regard to fish designated as "Catch-and-Release Only" shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. **(Ord. No. 1524; 03-22-11)**

ARTICLE V – BOW HUNTING RULES AND REGULATIONS

31-5-1 **BOW HUNTING.** Bow hunting on City owned property is allowed and Archery Deer Hunting Rules and Regulations are adopted by the City of Hillsboro, Montgomery County, Illinois, as the rules and regulations by which hunting shall be allowed on City owned property. A copy of said rules and regulations are attached, marked **Exhibit "F"**, and made a part hereof by reference.

31-5-2 **AGREEMENT.** The Hold Harmless and Indemnity Agreement attached hereto, marked **Exhibit "G"**, and made a part hereof by reference, is adopted as a form which will need to be filled out by each archery hunter who is trying to be awarded a permit to archery hunt on City owned property.

(Ord. No. 1666; 09-12-17)

RECREATION

EXHIBIT "A"

CAMPING FEE SCHEDULE

Pursuant to **Section 31-1-83(B)** and **31-3-2**, and effective **March 1, 2015**, camping fees shall be as follows:

- Seasonal
 - April 1st through October 31st
 - With air conditioning \$940.00
 - Without air conditioning \$700.00
 - November 1st through March 30th
 - Camper storage only \$275.00
(for seasonal campers returning the following year)
 - Each additional storage trailer \$75.00
- Monthly
 - With air conditioning \$500.00
 - Without air conditioning \$410.00
 - Tent only \$300.00
- Weekly
 - Standard sites \$125.00
- Daily*
 - Standard sites \$20.00
 - Tents \$15.00

**Discounts on daily rates:
Senior citizens (age 62 or older) and individuals with Class 2 or 2A disability (as defined in the Illinois Identification Card Act) who are Illinois residents will be charged one-half (50%) of the daily camping fee Mondays through Thursdays.
A "Hero Discount" of 20% is available (with ID) to active duty and reserve military, police officers and firefighters (up to 6 days).
Disabled veterans (as defined in the Department of Veterans Affairs Act), former prisoners of war (as identified by the Veterans Administration or other United States governmental agency), or veterans with an Armed Forces Special Pass from IDNR will receive a full 100% discount (up to 6 days) and may camp for FREE.
Note: Weekly rates will apply to stays of 7 days or more.*
- Cabins (sleeps 6) (no pets allowed, except service animals)
 - Monday through Thursday \$20.00/day
 - Friday through Sunday \$25.00/day
 - Holidays and special events \$40.00/day

HANDICAP ACCESSIBLE SITE AVAILABLE. INQUIRE WITH HOST.

(Ord. No. 1671; 02-13-18)

RECREATION EXHIBIT "B"

EXHIBIT "B"

LAKE LOT AND BOAT DOCK FEE SCHEDULE

Pursuant to **Section 31-1-86(F)**, and effective **November 1, 2015**, lake lot fees and boat dock fees shall be as follows:

City Residents	County	Out of County
\$175.00	\$225.00	\$275.00

A deposit of \$200.00 per lot shall be required in advance of leasing.

EXHIBIT "C"

DUCK BLIND PERMIT FEE SCHEDULE

Pursuant to **Section 31-1-91(A)**, and effective **March 1, 2015**, duck blind permit fees shall be as follows:

	City Residents	County	Out of County
Seasonal	\$150.00	\$200.00	\$250.00

Blinds may go up once the permit fee has been paid during the sign-up period.

Permits shall be effective (and hunting allowed) from Youth Duck Season through the end of Conservation Snow Goose Season.

No early or teal hunting is allowed on Lake Glenn Shoals.

RECREATION EXHIBIT "D"**EXHIBIT "D"****BOAT PERMIT FEE SCHEDULE**

Pursuant to **Section 31-2-3(A)**, and effective **January 1, 2016**, the fees for placing boats on Lake Hillsboro and Lake Glenn Shoals shall be as follows:

	City Residents	County	Out of County
1-20 horsepower	\$30.00	\$40.00	\$45.00
21-50 horsepower	\$40.00	\$50.00	\$60.00
51-100 horsepower	\$45.00	\$70.00	\$85.00
101-200 horsepower	\$65.00	\$105.00	\$155.00
201 and up and inboard	\$75.00	\$135.00	\$185.00
Sailboats	\$30.00	\$45.00	\$50.00
Other non-motorized Watercraft	\$20.00	\$25.00	\$30.00
Jet-ski	\$150.00	\$185.00	\$235.00
Daily permit all boats (except Jet-skis)	\$10.00	\$15.00	\$20.00
Tournament Daily Fee	\$8.00	\$8.00	\$8.00

EXHIBIT "E"

MISCELLANEOUS FEE SCHEDULE

1. Effective **March 1, 2015**, the fees for **Central Park Pool** shall be as follows:
 - o Daily Pass
 - Ages 4-59: \$3.00/day
 - Under 4: Free
 - 60 and over: Free
 - o Season Pass
 - Individual
 - City Resident: \$75.00
 - Non-Resident: \$90.00
 - Family (up to 5 members)
 - City Resident: \$160.00
(\$25.00 per person thereafter)
 - Non-Resident: \$185.00
(\$30.00 per person thereafter)
 - o Pool Parties
 - Deposit
 - \$70.00 deposit to be applied toward rental fee
 - Fees
 - \$120.00 rental fee for 6:00 p.m. – 8:00 p.m.
 - \$150.00 rental fee for 8:00 p.m. – 10:00 p.m.
 - Lifeguards
 - \$25.00 per lifeguard, payable directly to lifeguard
 - Two lifeguards for first 30 guests, one additional lifeguard for each additional 10 guests

2. Effective **January 1, 2016**, the fee for rental of **boat slips at the Lake Glenn Shoals South Marina** shall be \$400.00.

3. Effective **March 1, 2015**, the fee for rental of the **Firemen’s Clubhouse** shall be \$50.00 per day.

4. Effective **March 1, 2015**, the fees for rental of the **Challacombe House** shall be as follows:

	City Residents	Non-Residents
4 hours	\$80.00	\$100.00
All day	\$150.00	\$187.50
Holidays	\$200.00	\$250.00

A \$50.00 security deposit will be required to secure reservations of the Challacombe House.

EXHIBIT "F"

ARCHERY DEER HUNTING RULES AND REGULATIONS

City of Hillsboro important dates are listed below:

Permit Renewal:

August 1st – September 1st

Registration Requirements:

To be eligible for a permit, you must be at least 16 years old on the day of registration and have a valid Illinois hunting license.

Permitted sites not renewed or available locations new sign up:

Any permit area, whose fee has not been received by the 15th of September, shall be available for the City to rent to another party. Non-renewed permit area locations will be distributed by a lottery. Entrants will pay a \$25 entry fee and must be present on the day of the lottery to choose a permit area location or their entry becomes void.

Deposit for archery deer hunting permit areas shall be \$50.

Archery deer hunting is permitted on City of Hillsboro property:

Archery deer hunting on City of Hillsboro owned property is prohibited except in areas designated by the Commissioner of Public Property or his designee for the duration of the archery season as set by the Illinois Department of Natural Resources.

Stands must be removed:

All deer hunting materials, stands, trail markers, blinds, etc. shall be **completely removed from the lake and surrounding property owned by the City** within 15 days of the end the archery season as set by the Illinois Department of Natural Resources.

Archery Deer Hunting Fee Amount:

City Residents...\$75

County Residents...\$100

Non-County Residents...\$125

Archery Hunting Regulations:

- Archery deer permit locations will be used exclusively for archery deer hunting activities.
- It shall be unlawful for anyone except archery deer permit holders or person under the age of 16 hunting within **ten (10) feet** of the permitted holder to occupy and use the permitted area.
- All permit areas shall be kept clean and orderly.
- Landowners adjoining City property shall be given the opportunity to obtain a permit and shall have priority in obtaining permit for archery deer hunting at City owned land adjoining their property. However, no archery deer hunting permits shall be issued along subdivision lots. Previous archery deer permit holders shall be given the opportunity from August 1st – September 1st to renew an archery deer hunting permit for at their previous location.
- The use of crossbows is permitted if used in accordance with Illinois Department of Natural Resources law.

RECREATION EXHIBIT "F"

- Hunting will be done from elevated stands at a minimum of 6 feet; any variance can be approved by the Commissioner or his designee.
- Construction or use of any tree stand using nails, screws or any device that pierces the bark of the tree which it was installed is prohibited.
- No archery deer hunting is allowed within 100 yards of developed recreation areas or residences.
- No arrow or other object may be discharged from or projected onto or over any street, road, highway, bicycle trail, hiking trail, walking path, sidewalk, park, playground or body of water.
- Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into his or her possession. This section does not authorize the act of trespass. It shall be the hunter's responsibility to immediately notify any property owner of the fact that an injured or dead deer is located on his or her property. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify a Conservation Officer of the Illinois Department of Natural Resources.
- Do not block roads, driveways or gates. Do not park on private property without permission.
- All motor vehicles and ATV use is prohibited, except as a method of retrieving harvested deer **and** as approved by the Commissioner of Public Property or his designee.
- Permits are not transferable. No commercialization of hunting rights, stands or privileges, either directly or indirectly shall be permitted.
- Archery deer hunting permit holders shall carry, on their person, a valid photo ID and the current year's City issued permit issued as receipt of fees paid.
- In the event that the stand and related hunting materials is not completely removed from property owned by the City by February 15, the applicant shall forfeit the deposit made and hunting privileges for five (5) years thereafter.
- The City retains the right to examine archery deer hunting locations at any time.
- There shall be no "driving" or other harassment of deer.
- All archery deer hunters on City owned property shall comply with all State and Federal laws and regulations.
- No person under the age of 16 may hunt unless accompanied by an adult.

Archery Deer Hunting Area Number (as designated by the City):

Name(s) of permit holder (two may be used with first being the primary):

Address:

RECREATION EXHIBIT "F"

Phone number(s):

I have read and understand and shall comply with the rules, regulations and public indemnity waiver set forth in this agreement. I understand that failure to comply with these rules may result in the loss of hunting privileges.

Attest:

City Hall

Date

Archery Deer Permit Holder

Date

Commissioner of Public Property

Date

Department of Parks, Lakes and Public Properties

Date

EXHIBIT "G"

CITY OF HILLSBORO

**ARCHERY DEER HUNTING
HOLD HARMLESS AND INDEMNITY AGREEMENT**

WHEREAS, _____, the undersigned, has heretofore applied for and paid the fee for an ARCHERY DEER HUNTING PERMIT in the City of Hillsboro, Montgomery County, Illinois; and

WHEREAS, the City of Hillsboro wishes to provide the opportunity for residents and non-residents to use City of Hillsboro owned property for archery deer hunting in a safe and reasonable manner, while at the same time protecting itself from liability for doing so.

NOW, THEREFORE, the undersigned hereby holds harmless and indemnifies the City of Hillsboro, Montgomery County, Illinois, its administrators, executors, agents, principals, attorneys, employees, successors and assigns, from any and all claims, demands, or any cause of action of any kind or nature, which may be brought against the City of Hillsboro, as a result of any activities performed while archery deer hunting on land owned by the City of Hillsboro. In return, the City of Hillsboro agrees to allow the undersigned to rent an archery hunting location on land owned by the City of Hillsboro and conduct hunting activities pursuant to the Archery Deer Hunting Rules and Regulations.

This agreement shall be interpreted according to the laws of the State of Illinois.

IN WITNESS WHEREOF, the undersigned has hereunto set his/her this _____ day of _____, 20____.

Signature of Archery Deer Hunting Permit Holder

Printed Name of Archery Deer Hunting Permit Holder

Address

Telephone #1

EXHIBIT "H"

**GLENN SHOALS LAKE
WATERFOWL HUNTING BLIND RULES & REGULATIONS**

City of Hillsboro important dates are listed below:

Blind Renewal:

August 1st – September 1st

Registration Requirements:

To be eligible for a blind, you must be at least 16 years old on the day of registration and have a valid Illinois hunting license and state waterfowl Stamp (unless exempt by law). Illinois residents must have a valid Firearm Owner Identification (FOID) card and must have cards in their possession to be eligible. Those who are between the ages of 16 and 21 who do not have a FOID card must be accompanied by an adult who meets the FOID requirements.

Blinds not renewed or available locations new sign up:

Any waterfowl hunting blind, whose rental has not been received by the 5th of September, shall be available for the City to rent to another party. Non-renewed blind locations will be distributed by a lottery. Entrants will pay a \$25 entry fee and must be present on the day of the lottery to choose a blind location or their entry becomes void.

Deposit for waterfowl hunting blinds sign-ups shall be \$200.

Blind construction may commence:

One month prior to Youth Duck Season as established by State and Federal Regulations and only at locations designated by the City.

Waterfowl Hunting is permitted on Glenn Shoals Lake:

Waterfowl hunting shall be permitted on Glenn Shoals Lake only at permitted hunting blind locations from Youth Duck Season through the end of Conservation Order Light Goose Season as established by state and federal regulations. **No early goose or teal hunting shall be allowed on Glenn Shoals Lake.**

Blinds must be removed:

All blind materials, shot shells, trash, decoys, brush, debris, etc. shall be **completely removed from the lake and surrounding property owned by the City** within 15 days of the end of Conservation Light Goose Season, unless an exception is approved by the Lake Superintendent.

Waterfowl Hunting Blind Fee Amount:

City Residents...\$150

County Residents...\$200

Non-County Residents...\$250

Waterfowl Blind and Hunting Regulations:

- Waterfowl hunting blinds will be used exclusively for waterfowl hunting activities.
- It shall be unlawful for anyone except waterfowl blind holders or their guests to occupy and use the waterfowl hunting blind.
- All blinds shall be kept clean and orderly.
- There shall be no less than **twelve (12) decoys** at any time while hunting.
- Landowners adjoining Lake Glenn Shoals shall be given the opportunity to obtain a waterfowl hunting blind permit for **one (1) blind** at their property and shall have priority in obtaining permit for placing a blind at their property. However, no waterfowl hunting blind permits shall be issued for waterfowl hunting blinds along subdivision lots. Previous waterfowl hunting blind owners shall be given the opportunity from August 1st – September 1st to obtain a waterfowl hunting blind permit for **one (1) blind** at their previous location.
- Waterfowl hunting blinds shall be a minimum of **two hundred (200) yards** apart.
- No commercialization of hunting rights, blinds or privileges, either directly or indirectly shall be permitted.
- Waterfowl hunting blind holders shall post and display on the inside of the front wall of the waterfowl hunting blind, the current year sticker issued as receipt of fees paid.
- Brush used to camouflage the waterfowl blind must not be cut from City owned land surrounding the lake. Blinds must be built and maintained in safe, usable conditions.
- There shall be no seasonal floating blinds on Glenn Shoals Lake except those using marine approved Styrofoam encased in plastic housing. Dock floats must be used instead of plastic barrels or pontoons. These seasonal floating blinds shall be securely tied down from the **two (2) corners** nearest the shoreline.
- Daily use boat blinds may be used, but must be staked at the approved blind location, the permit displayed and boats removed daily. Such use shall conform to applicable City ordinances and state and federal laws.
- In the event that the blind is not completely removed from the lake and surrounding property owned by the City within 15 days of the end of Conservation Light Goose Season, the applicant shall forfeit the deposit made and hunting privileges for **five (5) years** thereafter.
- The City retains the right to examine waterfowl hunting blinds at any time.
- There shall be no harassment of rafting ducks.
- There shall be no hunting on the Old City Lake (Lake Hillsboro), unless a nuisance order is issued by the Commissioner of Public Property.
- All persons hunting waterfowl on Glenn Shoals Lake shall comply with all State and Federal laws and regulations.
- No person under the age of 16 may hunt unless accompanied by an adult.

CHAPTER 33 – STREET REGULATIONS

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CHAPTER 33

STREET REGULATIONS

ARTICLE I – DEPARTMENT OF PUBLIC IMPROVEMENTS ESTABLISHED

33-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the Municipal Government which shall be known as the Department of Streets and Public Improvements. It shall embrace the Commissioner of Streets and Public Improvements or his designated representatives. Whenever the term "Commissioner" is used it shall include his designated representative where applicable.

ARTICLE II - GENERAL REGULATIONS

33-2-1 **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the City or belonging to any private person.

33-2-2 **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the City for any purpose, except the taking in and removing of goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 **REPAIRING SIDEWALKS, ETC.** Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Commissioner to immediately report such fact to the Mayor or City Council, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4 **STAIRWAY - RAILING.** Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council. **(See 65 ILCS 5/11-80-17)**

33-2-7 **CITY DATUM.**

(A) The top of the northeast corner of the stone door sill of the north door of the City Building or City Hall (in 1909) is hereby established as a datum line or bench mark, the assumed elevation of which is **one hundred (100) feet** above sea level.

All public, private and local improvements shall be referred to the above datum line.

(B) The Council shall establish the grade for all sidewalks which shall conform as nearly as possible to the grades of the adjoining streets. Sidewalks laid shall conform to the established grade. **(Ord. No. 148; 11-24-09)**

33-2-8 **DEPOSITS ON SIDEWALKS.** It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes**.

33-2-9 **OBSTRUCTING STREET.**

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any other articles such as glass which may cause injury to any person, animal or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the City, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. **(See 65 ILCS 5/11-80-3)**

33-2-10 **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the City Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

33-2-11 **HOUSE NUMBERING.** The buildings on the streets within the City shall be numbered according to the following provisions:

(A) In designating streets there shall be no south or east prefixes, but all streets south of Seward Street or base line and east of Main Street, shall be without any prefixes. All north and south streets shall take the prefix north on the north of Seward Street, and all east and west streets shall take the prefix west on the west of Main Street.

(B) In computing numbers the unit of space shall be **nineteen (19) feet two (2) inches** and the streets shall be numbered north and south from Seward Street, as a base line, and east and west from Main Street, as a base line, and each block shall exhaust one hundred numbers. Each

block must begin anew, the second block beginning with two hundred, the third with three hundred, the fourth with four hundred, etc.

(C) All owners of property shall within **thirty (30) days** after notice thereof by the City Clerk number their residences or buildings in a conspicuous manner.

(Ord. No. 176; 04-05-11)

33-2-12 BUILDING MATERIALS IN STREET. The Commissioner may move any obstruction on any street or sidewalk of the City, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material.

33-2-13 MERCHANDISE ON PUBLIC STREET. It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the City Council.

33-2-14 ENCROACHMENTS. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-15 POSTING BILLS. It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

33-2-16 SIGNS ON POLES. No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-2-17 INJURY TO NEW PAVEMENTS. It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

33-2-18 BARBED-WIRE FENCES. It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **fifty (50) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **six (6) feet** above the level of such public place.

33-2-19 BURNING ON PUBLIC STREETS. It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the oiled or asphalted public streets, in the City.

33-2-20 **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-2-21 **SEWER DISCHARGE.** It shall be unlawful for any person, firm or corporation to connect or cause to be connected any drain carrying or to carry any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances into any storm sewers constructed as part of the improvement of Illinois Routes 16 and 127. **(See Chapter 38; Article V (Ord. No. 1258; 10-27-98))**

33-2-22 **GRASS MOWING.** Property owners and/or their tenants shall be jointly and separately responsible for mowing the grass or weeds between the property lines and the adjoining street surfaces. The height of the grass or weeds shall not exceed **eight (8) inches.**

It shall be illegal to blow or place grass clippings, leaves, or other vegetative substances in any public streets, alleys, or other public properties within the City, with the exception of approved areas designated for such purpose by the City.

All persons in violation of this Section shall be fined **Two Hundred Fifty Dollars (\$250.00)** for a first offense, **Five Hundred Dollars (\$500.00)** for a second offense, and **Seven Hundred Fifty Dollars (\$750.00)** for a third or subsequent offense, as authorized in the Code of Ordinances of the City.

(Ord. No. 1659; 05-09-17)

ARTICLE III - TREES AND SHRUBS

33-3-1 **PLANTING.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Commissioner and shall be referred by him to the City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

33-3-2 **PLANTING TREES IN RIGHT-OF-WAY.** It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3 **REMOVAL.** It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Commissioner and shall be referred by him to the City Council before permission shall be granted.

33-3-4 **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5 **ADVERTISEMENTS OR NOTICES.** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 **DANGEROUS TREES.** Any tree or shrub which overhangs any sidewalk, street or other public place in the Municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Commissioner may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-7 **WIRES.** It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the Municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Commissioner so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8 **GAS PIPES.** Any person or company maintaining any gas pipe in the Municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

(See 65 ILCS 5/11-80-2)

ARTICLE IV - CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

33-4-1 PURPOSE AND SCOPE.

(A) **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(B) **Intent.** In enacting this Article, the City intends to exercise its authority over the rights-of-way in the City and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the City's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the City's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the City. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The City, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the City rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the City enter into such an agreement. In such an agreement, the City may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

- (1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the City, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- (2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the City and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The City shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the City so determines. Nothing herein shall be construed to limit the ability of the City to regulate its rights-of-way for the protection of the public health, safety and welfare.

33-4-2 DEFINITIONS. As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

"AASHTO": American Association of State Highway and Transportation Officials.

"ANSI": American National Standards Institute.

"Applicant": A person applying for a permit under this Article.

"ASTM": American Society for Testing Materials.

"Backfill": The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That term as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"City": The City of Hillsboro.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The City Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the City.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the City Engineer or Superintendent of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E.": The Joint Utility Locating Information for Excavators utility notification program.

"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to **Sections 33-4-4 and 33-4-5** of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the City. If no time period is specified, the period shall be **thirty (30) days**.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the City has the right and authority to authorize, regulate or permit the location of facilities other than those of the City. "Right-of-way" or "rights-of-way" shall not include any real or personal City property that is not specifically described in the previous two sentences and shall not include City buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail": The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund": That amount of security required pursuant to **Section 33-4-10**.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Superintendent of Public Works": The Superintendent of Public Works or his or her designee, hereinafter referred to as "Superintendent".

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the City through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

33-4-3 ANNUAL REGISTRATION REQUIRED. Every utility that occupies right-of-way within the City shall register on **January 1** of each year with the Superintendent, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-4-8** of this Article, in the form of a certificate of insurance.

33-4-4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any City right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent and obtaining a permit from the City therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the City and shall be filed in such number of duplicate copies as the City may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the City:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the City and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the City finds that additional information or assurances are needed;

- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in **Section 33-4-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-4-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-4-21**); and
- (10) Such additional information as may be reasonably required by the City.

(D) **Supplemental Application Requirements for Specific Types of Utilities.**

In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the City within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of \$100.00. Additional application review costs will vary with the complexity of the project and will be determined on a case by case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

33-4-5 **ACTION ON PERMIT APPLICATIONS.**

(A) **City Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional City Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the City that it intends to commence work governed by this Article for facilities for the provision of

telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the City not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.

- (2) In the event that the Superintendent fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the City by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the City, where a permit is required for work pursuant to **Section 33-4-4** of this Article the telecommunications retailer shall submit to the City an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional City Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations.

33-4-6 **EFFECT OF PERMIT.**

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the City authorizes a permittee to undertake only certain activities in accordance with this Article on City rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the City with such City representatives in attendance as the City deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the City does not excuse the permittee from complying with other requirements of the City and applicable statutes, laws, ordinances, rules, and regulations.

33-4-7 **REVISED PERMIT DRAWINGS.** In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the City within **ninety (90) days** after the completion of the permitted work. The revised

drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 33-4-21** of this Article. If the City denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

33-4-8 **INSURANCE.**

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the City, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) **Five Million Dollars (\$5,000,000.00)** for bodily injury or death to each person;
 - (b) **Five Million Dollars (\$5,000,000.00)** for property damage resulting from any one accident; and
 - (c) **Five Million Dollars (\$5,000,000.00)** for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars (\$1,000,000.00)** for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than **One Million Dollars (\$1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the City within **ten (10) days** following receipt of a written request therefor from the City.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Administrator of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the City of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the City evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the City evidence sufficient to demonstrate its

financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

33-4-9 **INDEMNIFICATION.** By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the City, its officials, officers, employees, agents or representatives.

33-4-10 **SECURITY.**

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;
- (2) Any expenditure, damage, or loss incurred by the City occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the City issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the City may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the City must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the City from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the City in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the City, or an unconditional letter of credit in a form acceptable to the City. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the City and the permittee;

- (2) Not require the consent of the permittee prior to the collection by the City of any amounts covered by it; and
- (3) Shall provide a location convenient to the City and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent, and may also include reasonable, directly related costs that the City estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the City, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The City, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the City for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the City for any damages, claims, costs or expenses which the City has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Article that the City determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the City that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the City, upon written request for said withdrawal to the City, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the City for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the City to the extent necessary to cover any reasonable costs, loss or damage incurred by the City as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the City with respect to the Security Fund are in addition to all other rights of the City, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the City may have. Notwithstanding the foregoing, the City shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

33-4-11 PERMIT SUSPENSION AND REVOCATION.

(A) **City Right to Revoke Permit.** The City may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The City shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 33-4-11.**

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the City, the permittee shall have the following options:

- (1) Immediately provide the City with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the City providing written proof of such removal to the City within **ten (10) days** after receipt of the written notice of revocation.

The City may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the City or its designee may, at the option of the City:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs of removal.

33-4-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the City no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the City's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

33-4-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

33-4-14 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The City's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 33-4-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the City.

33-4-15 LOCATION OF FACILITIES.

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

- (1) **No Interference with City Facilities.** No utility facilities shall be placed in any location if the Superintendent determines that the proposed location will require the relocation or displacement of any of the City's utility facilities or will otherwise interfere with the operation or maintenance of any of the City's utility facilities.
- (2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

- (3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- (4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- (B) **Parallel Facilities Located Within Highways.**
- (1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
- Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;
 - Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;
 - No pole is located in the ditch line of a highway; and
 - Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
- The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
 - A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.
- (C) **Facilities Crossing Highways.**
- No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of City highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
 - Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
 - 90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
 - Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:

- (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
- (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
- (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The City may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.** The City may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

- (1) The City may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The City may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) **Facility Attachments to Bridges or Roadway Structures.**

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

- (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
- (b) The type, length, value, and relative importance of the highway structure in the transportation system;
- (c) The alternative routings available to the utility and their comparative practicability;
- (d) The proposed method of attachment;
- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H)

Appearance Standards.

- (1) The City may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-4-16

(A)

Methods.**CONSTRUCTION METHODS AND MATERIALS.****Standards and Requirements for Particular Types of Construction**(1) **Boring or Jacking.**

- (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
- (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
- (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the City to be preserved shall be bored under or around the root system.

- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of

Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".

- (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent.
 - (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the City to be preserved.
- (3) **Backfilling.**
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent and only if that portion of the roadway is closed to traffic.
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the City.
 - (c) All saw cuts shall be full depth.
 - (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

- (5) **Encasement.**
- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the City.
 - (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or City approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the City. Bell and spigot type pipe shall be encased regardless of installation method.
 - (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.
 - (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:
 - (i) extra heavy pipe is used that precludes future maintenance or repair and
 - (ii) cathodic protection of the pipe is provided;
 - (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by City)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B) **Standards and Requirements for Particular Types of Facilities.**

- (1) **Electric Power or Communication Lines.**
- (a) **Code Compliance.** Electric power or communications facilities within City rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.

- (b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- (c) **Underground Facilities.**
- (i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
 - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or
 - b. the installation is by the open trench method which is only permitted prior to roadway construction.
 - (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - (iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the City. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
- (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
- (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction", and all other applicable laws, rules, and regulations.
- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard

Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

- (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
- (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) **Materials.**

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction", the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the City.
- (3) **Hazardous Materials.** The plans submitted by the utility to the City shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) **Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the City, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the City, the hours of construction are from **6:00 A.M. to 6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the City shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The City will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the City or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

33-4-17 **VEGETATION CONTROL.**

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the City as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

(1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The City will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The City may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) **Specimen Trees or Trees of Special Significance.** The City may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) **Chemical Use.**

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the City for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent that such spraying is the only practicable method of vegetation control.

33-4-18 **REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.**

(A) **Notice.** Within **ninety (90) days** following written notice from the City, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the City, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

(1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;

- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The City retains the right and privilege to cut or move any facilities located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the City, the utility shall notify the City within **ninety (90) days**. Following receipt of such notice the City may direct the utility to remove all or any portion of the facility if the Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the City does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

33-4-19 CLEANUP AND RESTORATION. The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent for good cause shown.

33-4-20 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the City and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the City police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the City a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

33-4-21 VARIANCES.

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent of Public Works as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent under the provisions of this Article shall have the right to appeal to the City Council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the Council's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The City Council shall timely decide the appeal.

33-4-22 PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the City will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the City's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the City. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. **(See Section 1-1-20 for additional penalties.)**

33-4-23 ENFORCEMENT. Nothing in this Article shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Article.

ARTICLE V – SIDEWALKS; CURBS AND GUTTERS

33-5-1 SIDEWALK CONSTRUCTION.

(A) **Bond Deposit.** Any person who obtains a permit shall post a cash bond in the sum of **One Thousand Dollars (\$1,000.00)**, whether they be an individual or a corporation, to indemnify the City against all loss, cost, damage, or expense that may result from such excavation in any street, alley, or other public place, in issuance of a permit. The person or entity performing such excavation shall restore the subgrade and pavement to a condition at least equal to the pavement and subgrade configuration that existed prior construction.

Upon removal of an existing sidewalk, a **Five Hundred Dollar (\$500.00)** deposit must be obtained before excavation can begin. New concrete shall be poured back over **three (3) inch** base of **one (1) inch** clean rock, or **two and one-half (2 ½)** inches or **three (3) inch** base of compacted **one (1) inch** CA6, pinning at each end no less than twice. This shall be completed within **forty-five (45) days**. In the event the city is not required to go to any expense in the restoration of the street, alley, sidewalk, or other public place where the excavation was made, the cash bond shall be refunded upon the approval of the Commissioner after a **twelve (12) month** period has elapsed from the completion of said project.

- (1) **Regulations.** Construction guidelines for any entity performing such excavation shall take into account and incorporate the following:
 - (a) New concrete must be pinned to existing sidewalk no less than **two (2) times** at each end.
 - (b) Excavation must be backfilled with granular backfill (**one (1) inch** clean rock or CA6).
 - (c) Must follow ADA guidelines for sidewalks.
 - (d) Sidewalks must be fixed within **forty-five (45) days**.
 - (e) Variances may be granted by the Commissioner or Street Superintendent upon written request.
- (2) **Refunds.** The refund shall be **ninety-eight percent (98%)** of the amount posted after deducting the permit fee of **two percent (2%)** for each excavation.

(Ord. No. 1707; 10-27-20)

(B) **Cost.** If funds are available and the City Council approves the request, the City shall pay the cost of the concrete and the owner or applicant shall pay the cost of construction for sidewalks.

(C) **Permit.** No person shall construct, lay or repair any concrete sidewalk on any street or alley in the City without having first obtained a permit therefor from the Commissioner. The application for such permit shall be in writing, and shall state the name of the owner of the property and a description of the lot or parcel of land abutting on the proposed sidewalk and shall also give the name of the contractor or person who is to do the actual work of laying the sidewalk, and shall contain an agreement in writing that such applicant will in the removal, construction or reconstruction of the sidewalk comply with the ordinances of the City and that the walk shall be constructed under the direction and subject to the approval of the Department of Streets and Public Improvements. All such permits shall be issued without charge, and a copy thereof, together with the written application and agreement above referred to, shall be filed and preserved in the office of the City Clerk. Before granting such permit to remove a sidewalk, the Commissioner shall determine the propriety of such removal and shall, in all permits issued for removal, construction or reconstruction of sidewalks, state when the work is to be completed, and in the case of removal, when the sidewalk is to be restored or reconstructed. The permit shall include a right to use **ten (10) feet** of the width of the street. No permit shall extend for a period longer than **thirty (30) days**. **(See Sec. 33-2-7 of this Chapter)**

(D) **Inspection and Approval.** All concrete sidewalks built shall be subject to the inspection and control by the City and shall be approved by the Commissioner before the person doing the work shall be entitled to demand or receive pay from the property owner or owners for building the same; the Commissioner shall report to the Council on every sidewalk built by private contract as soon as the examination has been made. Such report shall not relieve the contractor from any obligation to perform the work in accordance with the specifications and work not so constructed shall be removed and made good by the contractor whenever so ordered, without reference to any previous oversight in inspection. This shall apply to both labor and material. The contractor building a sidewalk under private contract shall, as soon as completed, report the completion to the Commissioner.

The Council may order any sidewalk which is not in accordance with the plans and specifications prescribed by the City taken up and replaced, and the person constructing the same shall be liable on his bond for failure so to do within **thirty (30) days** thereafter. The Commissioner may revoke any permit herein provided for without notice, and report his action and the cause therefor to the Council.

(See 65 ILCS 5/11-80-13)

33-5-2 CURBS AND GUTTERS.

(A) **Request in Writing.** Any person owning property within the City who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the Commissioner, giving the location of the property and the length of the curbs and gutters requested.

(B) **Requirements.** The provisions of **Section 33-5-1** governing sidewalk construction shall be applicable to curbs and gutters also.
(See 65 ILCS 5/11-80-11)

ARTICLE VI - DRIVEWAYS

33-6-1 PERMITS REQUIRED. No person shall construct a driveway for vehicles or animals across any sidewalk in the City without having first obtained a permit therefor.

Applications for such permits shall be made to the City Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the City Clerk.

33-6-2 FEE. The fee for all such construction shall be **One Dollar (\$1.00)**.

33-6-3 GRADE SURFACE. No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

33-6-4 SPECIFICATIONS. Driveways across sidewalks shall be constructed in compliance with the specifications required by the Commissioner.

33-6-5 BREAKING CURB - BOND REQUIRED. Before a permit can be issued to break a curb in the City for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the City Clerk.

33-6-6 REPAIR. It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

(See 65 ILCS 5/11-80-2)

ARTICLE VII - SNOW REMOVAL

33-7-1 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Article.

"BUSINESS DAY" is any day not a Sunday or National Holiday.

"BUSINESS DISTRICT" shall include all those areas zoned for business, commercial and industrial purposes in the Zoning Code and accompanying map as amended or other applicable regulations.

"BUSINESS HOURS" are the hours between **8:00 A.M.** and **5:00 P.M.** on any business day.

"ROADWAY" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

"SIDEWALK" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

"STREET" OR "HIGHWAY" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

33-7-2 **SNOW AND ICE TO BE REMOVED FROM SIDEWALKS BY PRIVATE PERSONS.**

(A) Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path from so much of a sidewalk as is in front or abuts on said building or lot of land. Snow and ice shall be so removed from sidewalks in all business districts within the City by **twenty-four (24) hours** after cessation of any fall of snow, sleet or freezing rain. The path required to be cleared in the business district shall be **six (6) feet** in width, or the whole width of the sidewalk, whichever is smaller.

(B) However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) above, cause enough sand, cinders or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path on said sidewalk of at least **six (6) feet** in width to be thoroughly cleaned.

33-7-3 **DEPOSITING OF SNOW AND ICE RESTRICTED.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts.

(See 65 ILCS 5/11-80-13)

ARTICLE VIII - MOVING BUILDINGS

33-8-1 PERMIT REQUIRED. It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the City without first obtaining a permit therefor from the City Clerk. Such permit shall be known as a **"House Moving Permit"**.

33-8-2 APPLICATION FOR PERMIT. Any person desiring such a permit shall file with the City Clerk an application therefor in writing on a form to be furnished by the Street Superintendent for that purpose. Such application shall specify the following:

- (A) The character and size of the building to be moved;
- (B) The reason for such moving;
- (C) The use, purpose and occupancy for which said building or structure is to be used;
- (D) The location from which and to which said building is to be moved;
- (E) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the City;
- (F) The streets on, over or through which it is desired to move said building;
- (G) Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

33-8-3 INVESTIGATION. Upon the filing of the application, the Street Superintendent shall cause the Zoning Administrator, or other authorized representative of the City, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

33-8-4 DENIAL OF PERMIT. No person shall be issued to move any building or structure which, in the opinion of the Street Superintendent:

- (A) Is so constructed or in such condition as to be dangerous;
- (B) Is infested with pests or unsanitary;
- (C) If it is a dwelling or habitation, is unfit for human habitation;
- (D) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;
- (E) If the proposed use is prohibited by the Zoning laws of the City;
- (F) If the structure is of a type prohibited at the proposed location by any ordinance of the City; or
- (G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the Street Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

33-8-5 TERMS AND CONDITIONS OF PERMIT. When a house moving permit is granted such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the City on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

33-8-6 ESTIMATE OF COST AND DEPOSIT. The applicant shall also deposit with the City Clerk a cash deposit sufficient to cover the cost to the City as estimated by the Street Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the City.

33-8-7 LIABILITY INSURANCE. Every person moving a building in the City shall file with the City Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this Section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **Fifty Thousand Dollars (\$50,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **One Hundred Thousand Dollars (\$100,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **Twenty-Five Thousand Dollars (\$25,000.00)** for damage to property of others, resulting from moving any **one (1) building**.

33-8-8 OWNER'S COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE. Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the City, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the City. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent (10%)** thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the City when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

33-8-9 CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security in favor of the City, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately, after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

- (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
- (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Street Superintendent.
- (4) Remove any buried underground tanks formerly used for storage of flammable liquids.
- (5) Removal all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the Street Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this Section may be granted by the Street Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

33-8-10 **INSPECTION FEE AND PERMIT FEE.** An inspection fee in the sum of **Fifteen Dollars (\$15.00)** shall be paid to the City Clerk upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars (\$10.00)** shall be paid to the City Clerk upon the issuance of each house moving permit.

33-8-11 **ISSUANCE OF PERMIT.** The Street Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the City Clerk to issue the permit.

33-8-12 **SUSPENSION OR REVOCATION OF PERMIT.** The Street Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

33-8-13 **CONTROL AND SUPERVISION.** Every building which is moved on, over, or through any public street, way or park in the City shall be under the control of the Street Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the Street Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

33-8-14 **NOTICE REQUIRED.** Notice must be given to both the Street Department and the Police Department of the City by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

33-8-15 **DEFAULT IN PERFORMANCE OF CONDITIONS.** Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the Street Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the City Clerk the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon receipt of notice from the City Clerk that the

permittee has deposited such money, the Street Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the City shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

33-8-16 **APPROVAL OF ROUTE.** The streets over which any building or structure is to be moved must be recommended by the Street Superintendent and the Chief of Police to the City Council for approval.

33-8-17 **OBSTRUCTING STREETS.** No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the City shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

33-8-18 **LIGHTS AND BARRICADES.** The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

33-8-19 **WIRES AND STRUCTURAL SUPPORTS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or City property; and such work shall be done only by the authorized workmen of the utility or the City, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

33-8-20 **TREES, PLANTS AND SHRUBS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the City, the person to whom such permit has been granted or his authorized representative shall notify the Street Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the City unless otherwise approved and so ordered by the Street Superintendent.

The person to whom the permit is granted shall pay to the City, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

33-8-21 REPAIRS TO PUBLIC PROPERTY. In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the City may have, the Street Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the Street Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the Street Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

33-8-22 REFUNDING OF DEPOSITS. When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the Street Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 33-8-6**, or such portion thereof then remaining unused under the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the City Clerk, upon receipt of the request from the Street Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

ARTICLE IX - TREE CODE

33-9-1 **TITLE.** This Code shall be known as the City of Hillsboro Tree Code.

33-9-2 **PURPOSE AND INTENT.**

(A) **Purpose.** It is the purpose of this Code to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City.

(B) **Intent.** It is the intent of the City Council that the terms of this Code shall be construed so as to promote the planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the City; and the protection against personal injury and property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs and other plants within the City.

33-9-3 **ADMINISTRATION.** The Hillsboro Natural Resource Committee (referred to as "Committee") shall be responsible for the administration of this Code. **(See Ch. 5; Article II This Code)**

33-9-4 **DUTIES AND RESPONSIBILITIES.** It shall be the responsibility of the Committee to study, investigate and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, removal or disposition of trees and shrubs on City property, both along streets and in other public areas. The Committee is also authorized to cooperate with owners of private property within the City to accomplish the purposes of this Code. It also may, with the permission of the City, any other applicable governing body, and any affected landowner, cooperate with any owner of property adjacent to or near the entrances to the City in accomplishing the purposes of this Code. Such plan shall be presented annually to the City Council and upon its approval shall constitute the official comprehensive tree plan for the City. The Committee, when requested by the City Council, shall consider, investigate and report on any special matter or question coming within the scope of its duties. The Committee shall report to the City any violations of this Code which comes to its attention.

33-9-5 **DESIGNATION OF ADVISORY GROUP.** The Committee may designate an advisory group to make recommendations in respect to the Committee's duties under this Code.

33-9-6 **APPROVED TREE SPECIES.** The Board shall prepare and file with the City Council a list which shall constitute accepted tree species for public areas within the City **(See Appendix "A")**. No species other than those included in the list may be planted on public property without written permission of the Committee.

33-9-7 **ADDITIONAL POWERS.** The Board, if it sees fit, may make regulations on the spacing of trees and distance from curbs and intersections, and in any event shall have the authority to prohibit the planting of a tree where it will be a hazard to visibility of traffic or overhead or underground utilities.

33-9-8 **PUBLIC TREE CARE.** The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs on public property in keeping with the purpose and intent of this

Code. Property owners may plant trees on public property that lies between their property and the street provided that the selection and location is permitted by this Code and the rules of the Committee.

(A) The Hillsboro Natural Resource Committee, hereinafter referred to as "Committee", is authorized to assist landowners if they follow the following recommendations:

- (1) The landowners will plant a tree on the City's approved tree list available through City Hall.
- (2) The landowner will mark an approximate location for the planting with white paint.
- (3) The landowner will contact JULIE at 811 to locate power lines, water lines, etc. and the City will approve the site and excavate the hole.
- (4) The owner agrees to water and mulch the tree. Most trees will require about 5-10 gallons of water once per week, if there has been no rainfall. Mulch should be 2-4 inches deep, 3-4 feet in diameter, and not piled up next to the trunk of the tree. Staking is generally not necessary nor is fertilization. Pruning may be necessary after a couple of years of growth. Questions regarding tree maintenance can be submitted to the City and/or the Committee.
- (5) Problems caused by a tree planted on City property will be the responsibility of the City. Likewise, problems caused by a tree planted on private property will be the responsibility of the owner. Any bushes, brush, or trees hanging onto the public property or right of way can be maintained by the City, and the City reserves the right to trim bushes, brush, or trees extending onto its property.
- (6) The City will donate up to **Twenty-Five Dollars (\$25.00)** toward the purchase of each tree planted, with proof of receipt of the purchase of the tree.

(Ord. No. 1660; 05-09-17)

33-9-9 **TREE CARE STANDARDS.** All trees shall be pruned according to current industry standards and comply with the International Society of Arboriculture's Pruning Best Management Practices and ANSI A300 Part 1 Pruning Standards, Z133 Arborist Safety Standards and any and all other ANSI standards that might apply. No trees shall be topped on public property. Trees severely damaged by storms or other causes that cannot conform to industry standards shall be removed and a suitable replacement tree planted.

33-9-10 **PRUNING AND CORNER CLEARANCE.** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp, obstruct the view of any street or intersection or obstruct the walking area above a sidewalk. Property owners shall remove all dead, diseased or dangerous trees or limbs which constitute a danger to the safety of the public. The City shall have the authority to take the necessary steps to enforce this provision if a property owner fails or refuses to do so.

33-9-11 **INTERFERENCE WITH COMMITTEE.** It shall be unlawful for any person to prevent, delay or interfere with the Committee, or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying or removing of any trees, and in any other duties authorized by this Code.

33-9-12 **REVIEW BY CITY COUNCIL.** The City Council shall have the right to review the conduct, acts and decisions of the Committee. Any person may appeal from any ruling or order of the Committee to the City Council which may hear the matter and make a final decision.

33-9-13 **PENALTY.** Any person violating any provision of this Code shall be subject to a fine of not more than **Two Hundred Dollars (\$200.00)** for each offense. A separate offense shall be deemed to be committed on each day during which a violation occurs or continues.

33-9-14 **MISCELLANEOUS.** If any provision of this Code shall be held invalid, the invalidity of that provision shall not affect any of the other provisions of this Code.

[This Article Ord. No. 1653; 09-27-16]

ARTICLE X – BRICK STREETS

33-10-1 **BRICK STREET PROJECT BOND.** The bond to perform any type of construction project or any project which would alter or displace any of the brick streets in the city shall have the bond increased.

(A) The bond shall be **Two Thousand Dollars (\$2,000.00)** per project.

(B) All persons in violation of this Article shall be fined as authorized in **Section 1-**

1-20.

(Ord. No. 1723; 01-25-22)

APPENDIX "A"

RECOMMENDED TREE LIST

Small Trees, under 30 feet

Serviceberry – *Amelanchier spp.*
 Pagoda Dogwood – *Cornus alternifolia*
 Kousa Dogwood – *Cornus doussa*
 Cornelian Cherry Dogwood – *Cornus mas*
 Cockspur Hawthorn – *Crataegus cussgalli* (thornless cultivars)
 Star Magnolia – *Magnolia stellata*
 Sweetbay Magnolia – *Magnolia virginiana*
 Crabapples – *Malus spp* (disease resistant cultivars)

Eastern Redbud – *Cercis Canadensis*
 Flowering Dogwood – *Cornus florida*

Medium Trees, 30' to 50'

American Hornbeam (Blue Beech, Muscle wood) – *Carpinus caroliniana*
 American Yellowwood – *Cladrastis lutea*
 Carolina Silverbell – *Halesia Carolina*
 Saucer Magnolia – *Magnolia x soulangiana*
 Black Tupelo (black gum) – *Nyssa silvatica*
 Hop Hornbeam (Ironwood) – *Ostrya virginiana*
 Sargent Cherry – *Prunus sargentii*
 Japanese Tree Lilac – *Syringa reticulate*
 Common Sassafras – *Sassafras albichum*
 Littleleaf Linden – *Tilia cordata*
 Blackhaw Viburnum – *Viburnum prunifolium* (can grow as single stem tree)

Large Trees, Over 50'

River Birch – *Betula nigra*
 Hackberry – *Celtis occidentalis*
 Sugarberry – *Celtis laevigata*
 American Beech – *Fagus grandifolia*
 Ginkgo – *Ginkgo biloba* (male only cultivars)
 Thornless Honey Locust – *Gleditsia tricanthos* (thornless cultivars)
 Kentucky Coffee Tree, *Gymnocladus dioicus* Seedless cultivars: Espresso, Kentucky Colonel, 'J.C. McDaniel' Prairie Titan®
 Cucumber Magnolia – *Magnolia acuminata*
 Swamp White Oak – *Quercus bicolor*
 Overcup Oak – *Quercus lyrate*
 Chinkapin Oak – *Quercus muehlenbergii*
 Chestnut Oak – *Quercus primus*
 Red Oak – *Quercus rubra*
 American Linden – *Tilia americana* (suggested cultivars: Redmond)
 Silver Linden – *Tilia tomentosa*
 American Elm hybrids, *Ulmus americana* – disease resistant cultivars (Valley Forge, Princeton, Morton)

Trees for larger spaces: (possibly suitable for parks or other public areas)

Tulip Tree – *Liriodendron tulipifera*
 White Oak – *Quercus alba*
 Bur Oak – *Quercus macrocarpa*
 Shumard Oak – *Quercus shumardii*
 Bald Cypress – *Taxodium distichum*
 London Plantetree – *Platanus x acerfolia*

CITY OF HILLSBORO

EXCAVATION PERMIT

NAME _____

FIRM NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

LOCATION OF PROPOSED EXCAVATION _____

NATURE OF EXCAVATION _____

BONDING COMPANY:

NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

AMOUNT OF BOND \$ _____

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

(Applicant's Signature)

APPLICATION FOR CULVERT/DRIVEWAY PERMIT

I, _____, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the City in accordance with the information provided on this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: _____

Pipe material will be: _____

Wall thickness or gauge will be: _____

Type of joint will be: _____

DATED: _____, 20__ SIGNED: _____
(APPLICANT)

CULVERT/DRIVEWAY PERMIT

APPLICATION

Approved ()

Disapproved ()

If disapproved, state reasons:

DATED: _____, 20__ SIGNED: _____

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: _____, 20__ SIGNED: _____

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CHAPTER 34

SUBDIVISION CODE

ARTICLE I – GENERAL PROVISIONS

34-1-1 **TITLE.** These regulations shall be known as and may be referred to as the Subdivision Code.

34-1-2 **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, Sec. 205/1 et seq.**) this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the City. Thus this Code assists in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
- (C) to establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (D) to conserve and increase the value of land, improvements, and buildings throughout the City;
- (E) to preserve the natural beauty and topography of the City to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- (F) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (G) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
- (H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- (I) to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
- (J) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

34-1-3 **JURISDICTION.** The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the City and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the City.

34-1-4 **INSTANCES WHEN PLATS WILL NOT BE REQUIRED.** The provision of these regulations do not apply and no plat is required in any of the following instances:

- (A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or special utility easements;
- (B) the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or special utility easements;

(C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or special utility easements;

(E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) conveyance made to correct description in prior conveyances;

(G) the sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land recorded on or before **July 17, 1959** and not involving any new streets or easements of access or add special utility easements;

(H) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or special utility easements;

(I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

The City retains the right to review and approve the infrastructure improvements including, but not limited to stormwater and erosion control regulations. **(See Chapter 32 for Stormwater Code)**

34-1-5 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

34-1-6 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

ARTICLE II - DEFINITIONS

34-2-1 **INTERPRETATION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in **Section 34-2-2**; terms not defined in **Section 34-2-2** shall have the meanings respectively ascribed to them in the City's Zoning Code; if any term is not defined either in **Section 34-2-2** or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word "shall" is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

34-2-2 **SELECTED DEFINITIONS.**

Administrator: The official appointed by the Mayor and the City Council to administer the Subdivision Code.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

Amendment: A change in the provisions of this code, properly effected in accordance with State law and the procedures set forth herein.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic. Arterial streets are usually Controlled Access Streets. **(Ord. No. 1384; 01-03-06)**

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or

R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: See Setback Line.

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

Centerline:

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Cluster Development: A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Subdivision Code and the Zoning Code.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous. Collector streets are those streets which carry or are expected to carry traffic intensities as generated by serving more than **one hundred fifty (150) dwelling units**.

Common Land: That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

Comprehensive Plan: The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

Controlled Access Road or Street: A road or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement of access, or only a controlled right or easement of access, by reason of the fact that their property abuts upon such controlled access facility or for any other reason. All access roads or streets, both Commercial/Industrial and Residential as defined in this Article, are controlled access roadways. **(Ord. No. 1384; 01-03-06)**

Cross-slope: The degree of inclination measured transversely across the right-of-way of a road or street rather than in the direction traffic moves on said right-of-way. **(Ord. No. 1384; 01-03-06)**

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

Dedicate: To transfer the ownership of a right-of-way, parcel of land, or improvement to the City or other appropriate government entity without compensation.

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, Net: The total number of dwelling units divided by the net acreage. See definition of Area, Net.

Design: The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code.

Drainageway: A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

Easement: A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Filing Date: The date that the applicant has filed the last item of required data or information with the City Clerk and has paid the necessary fees for review by the Plan Commission.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways.

Frontage: The lineal extent of the front (street-side) of a lot.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."

Hillside Area: An area with an average slope of **twenty percent (20%)** or more.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in Article V of the Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a

contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Plan Commission and the City Council.

Improvement Plans: The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans shall include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

Inlet: A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic. The City reserves the right to determine what local streets are required to have parking lanes.

- (A) is used primarily for access to abutting properties;
- (B) has more than one outlet;
- (C) is not typically a through route; and
- (D) serves less than **one hundred fifty (150) dwelling units.**

(Ord. No. 1384; 01-03-06)

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between **two (2) corner lots.**

Lot, Corner: A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Maintenance Bond: A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the two-year period following their dedication.

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Official Map: A graphic statement of the existing and proposed capital improvements planned by the City which require the acquisition of land--such as streets, drainage systems, parks, etc.

Owner: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Lane: An auxiliary lane of a street and primarily used for vehicular parking.

Pedestrian Way: A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

Performance Bond: A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Plan Commission: The Plan Commission of the City.

Planned Unit Development (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

Plans: All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the City for consideration, approval or disapproval.

Plat, Final: The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Project Area: That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the City or other appropriate government entity for public purposes.

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision: See Subdivision.

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

Setback Line: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Sewerage System, Private: A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

Soil and Water Conservation District: The County Soil and Water Conservation District also known as the U.S. Natural Resource and Conservation Service.

Stop Order: An order used by the Administrator to halt work-in-progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only **one (1) end** open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are permitted in any proposed subdivision with the permission of the City. **(See Section 34-5-12(B))**

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground, or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

Subdivision, Minor: A division of land into **two (2)**, but not more than **four (4) lots**, all of which front upon an existing street, **not involving new streets** or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Topography: The relief features or surface configuration of an area of land.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Vacate: To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

Variance, Subdivision: A relaxation in the strict application of the design and improvement standards set forth in this Code.

Yard, Front: A yard extending across the full width of the lot, the depth of which is set forth in the Zoning Code.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Code: The Zoning Code of the City of Hillsboro.

ARTICLE III - PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

34-3-1 GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Plan Commission to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the City Clerk's office, who, in turn, will forward the same to the Plan Commission for their review. Following its review (as well as comments from other appropriate agencies when required), the Plan Commission forwards its recommendation(s) to the City Council, who then either approve, disapprove, or approve with modifications the preliminary plat.

34-3-2 FILING PROCEDURE. Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the City Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Administrator. **(See 70 ILCS Sec. 405/22.02A)**

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8** and the provisions of the subsections below.

EXCEPTION: The provision of this section shall not apply to:

- (A) minor subdivisions as defined at **Section 34-2-2**; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. **(See 765 ILCS Sec. 205/1(B)).**

34-3-3 INFORMATION REQUIRED. Every preliminary plat shall be prepared by an Illinois Professional Land Surveyor at any scale from **one inch equals twenty feet (1" = 20')** through **one inch equals one hundred feet (1" = 100')** provided the resultant drawing does not exceed **twenty-four (24) inches by thirty-six (36) inches**. Applicant shall provide 11" x 17" reduced size copies for City Council review. Each preliminary plat shall indicate on its face the following information:

- (A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within approximately **three hundred (300) feet** of the proposed subdivision;
- (B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer and land surveyor;
- (C) proposed name of the subdivision;
- (D) zoning district classification of the tract to be subdivided, and of the adjacent land;
- (E) north arrow, graphic scale, and date of map;
- (F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;
- (G) all lot lines adjacent to and abutting the subdivision;
- (H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

- (I) topography of the tract to be subdivided as indicated by **one- (1) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five- (5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten- (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
- (J) any proposed alteration, adjustment or change in the elevation or topography of any area;
- (K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
- (L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as defined in **Section 34-2-2**;
- (M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;
- (N) locations, widths, and purposes of all existing and proposed easements;
- (O) a copy of the description of all proposed deed restrictions and covenants;
- (P) location and size of existing and proposed sanitary and storm sewers;
- (Q) locations, types, and approximate sizes of all other existing and proposed utilities;
- (R) building setback or front yard lines and dimensions;
- (S) locations and approximate dimensions and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (T) locations and approximate dimensions and areas of all proposed or existing lots within the subdivision;
- (U) information as defined in Section 34-3-4(A);
- (V) delineated boundaries of any wetland;
- (W) delineated boundaries of any Federal Emergency Management Agency identified floodplain, floodway or flood prone areas.

[See Schedule "A" at conclusion of Chapter.]

34-3-4 PLAN COMMISSION ACTION. The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approves the preliminary plat, they shall inform the City Council that action can be taken at the next regularly scheduled City Council meeting.

(A) **Notice of Meeting.** The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

- (1) Any person requesting notification of the meeting.
- (2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk's office when filing the plat.
- (3) Any governmental or taxing body which requests notification of the meeting. **(See 65 ILCS 5/11-12-8)**

34-3-5 REVIEW BY CITY COUNCIL; TIME CONSTRAINTS. The City Council shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within **thirty (30) days** after its next regularly scheduled meeting following receipt of the written Plan Commission

recommendations, unless variances from Zoning Code requirements are needed, in which case, the City Council's **thirty (30) days** commence the day after the Board of Appeals hearing is held, as required by the Zoning Code.

If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be sent to the subdivider by return receipt mail.

34-3-6 **RIGHTS AND PRIVILEGES OF SUBDIVIDER.** Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

(A) That the preliminary plat will remain in effect for a **one (1) year** period from the day the City Council approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the City Council, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area or **five (5) gross acres**.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the City Engineer and approved by the City Council, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to City improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the City Clerk's office at the time that the final plat is submitted.

34-3-7 **RESERVED.**

DIVISION II - IMPROVEMENT PLANS

34-3-8 **SUBMISSION OF PLANS.** After the City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Clerk, pay all associated filing fees before review by the City Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

(A) the Administrator shall not issue any building permit to allow construction of said improvements; and

(B) the City Council shall not act upon the application for final plat approval. **(See Section 34-3-22)**

34-3-9 **INFORMATION REQUIRED.** Improvement plans shall consist of black or blue line prints not larger than **twenty-four (24) by thirty-six (36) inches** and at a minimum horizontal scale

of **one hundred (100) feet to one (1) inch** or minimum vertical scale of **five (5) feet to one (1) inch**. These plans and the related specifications shall provide all of the following information:

- (A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;
- (B) existing and proposed elevations along the centerline of all streets;
- (C) radii of all curves and lengths of tangents on all streets;
- (D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
- (E) locations and typical cross-section of sidewalks and driveway aprons;
- (F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- (G) locations and sizes of all water, gas, electric, and other utilities;
- (H) locations of street lighting standards and street signs;
- (I) one or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on North American Vertical Datum of 1988 (NAVD88);
- (J) all proposed measures to control erosion and sedimentation;
- (K) high water elevations of all lakes/streams adjoining or within the tract;
- (L) such other information as the City Engineer may reasonably require to perform his duties under this section; and
- (M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.
- (N) stormwater detention facilities shown on plans and supporting engineering calculations for storm sewers and detention facilities.

[See Schedule "B" at conclusion of Chapter.]

34-3-10 **INSPECTIONS REQUIRED.** The subdivider/developer shall notify the Administrator and the City Engineer of both the start and completion of construction.

(A) The City Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.

(B) The City Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Engineer has stated in writing that it complies with this Code.

34-3-11 **FILING "AS-BUILT" RECORDS.**

(A) The subdivider/developer shall file with the Administrator a set of as-built details and any deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.

(B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall City map(s);

(C) If the Administrator finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

34-3-12 **RESERVED.**

**DIVISION III - ASSURANCE FOR COMPLETION OF
REQUIRED IMPROVEMENTS**

34-3-13 **APPROVAL OF FINAL PLAT - IMPROVEMENTS.** The City Council shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvement plan have been completed by the subdivider/developer at his expense, inspected by the Zoning Administrator and Engineer, and dedicated to this municipality or other appropriate entity; or

(B) in accordance with the sections below, the subdivider/ developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

34-3-14 **FORMS OF ASSURANCE.** At the option of the City Council, the required legal assurance may be either a performance bond or a bank letter of credit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk.

34-3-15 **AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the City Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Developer's engineer shall prepare cost estimates for review and approval by the City Engineer. Any escrow deposit may be in the form of:

(A) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand.

[See Schedules "D" and "E" at the conclusion of the Chapter.]

34-3-16 **ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the City Council. The Treasurer shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this City's jurisdiction.

34-3-17 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or bank letter of credit shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Administrator, with the advice and consent of the City Council, may either extend said bond/bank letter of credit for **one (1) year** only, or may proceed as per **Section 34-3-19**.

34-3-18 **RELEASE OF BOND/ESCROW DEPOSIT.**

(A) The City Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the City Council. The amount which the City Council authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond/escrow deposit shall not be released by the City Treasurer until:

- (1) the City Engineer has certified to the Administrator in writing that all required improvements have been satisfactorily completed; and
- (2) said improvements have been accepted by and dedicated to this City or other appropriate entity.

34-3-19 **FAILURE TO COMPLETE IMPROVEMENTS.** If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Administrator, with the assistance of the City Attorney, may:

- (A) require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or
 - (B) order the City Treasurer to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or
 - (C) require the subdivider/developer to submit a new performance bond or bank letter of credit in an amount sufficient to cover any increase in the cost of constructing the required improvements.
- An extension may be granted only for a **one (1) year** period by the City Council.

34-3-20 - 34-3-21 **RESERVED.**

DIVISION IV - FINAL PLATS

34-3-22 **CITY COUNCIL APPROVAL.** The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the sections below.

34-3-23 **FILING, TIME LIMITS.** The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the City Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one-year periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the City Council and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within **sixty (60) days** after the City Council has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the City Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within **twenty (20) days** of such action.

34-3-24 **INFORMATION REQUIRED.** Every final plat shall be prepared by a registered Illinois land surveyor on polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet** equals **one (1) inch**, provided that the resultant drawing shall not exceed **twenty-four (24) by thirty-six (36) inches**. The final plat and supporting data shall portray/provide all of the following information:

- (A) north arrow, graphic scale, and date;
- (B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;
- (C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;

- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
- (E) all dimensions shall be shown in feet and decimals of a foot;
- (F) reference to recorded plats of adjoining platted land within approximately **three hundred (300) feet**, by record name, plat book, and page number;
- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);
- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

In addition, the subdivider shall furnish the City Council with a sample sales contract which reflects both restrictive covenants and local development ordinances which the property will be subject to.

[See Schedule "C" at conclusion of Chapter.]

34-3-25 CERTIFICATES REQUIRED. As required by State law (**Ill. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8**), the following certificates shall be executed on the final plat:

(A)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this ___ day of _____, 20__.

(Seal)
(Seal)

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of Montgomery)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

Notary Public

(C)

SURVEYOR'S CERTIFICATE

I, _____, an Illinois Professional Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____ for the purpose of subdividing the tract into lots as shown.

Land Surveyor

Illinois Registration Number

Date

(D) (Where applicable)

COUNTY ENGINEER'S CERTIFICATE

This plat has been approved by the Montgomery County Highway Department with respect to roadway access pursuant to the requirements of Montgomery County governing access rights.

County Engineer

Date

(E)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of Montgomery County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(F)

CERTIFICATE OF CITY COUNCIL

I, _____, Mayor of the City, do hereby certify that the plat shown herein was duly presented to the City Council and approved at a meeting of same held on ____ (date) ____.

Mayor, City of Hillsboro

City Clerk, City of Hillsboro

(G)

9-1-1 CERTIFICATE

State of Illinois)
)
County of Montgomery)

This plat has been reviewed for 9-1-1 implementation.

Montgomery County 9-1-1 Coordinator

Date

(H)

SPECIAL FLOOD HAZARD AREA CERTIFICATE

We, the undersigned, do hereby certify that part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA) as shown on the (insert applicable Flood Insurance Rate Map or Flood Hazard Boundary Map with noted name, community panel number and effective date).

By: _____
 Owner(s)

By: _____
 Illinois Land Surveyor

Date

(I)

FLOOD HAZARD CERTIFICATE

State of Illinois)
) ss
County of Montgomery)

We, the undersigned, do hereby certify that no part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA) on the (insert applicable Flood Insurance Rate Map or Flood Hazard Boundary Map with noted name, community panel number and effective date). There is no guarantee implied, however, that the property within this subdivision is not subject to flooding.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Date

34-3-26 ADMINISTRATIVE REVIEW, ADVISORY REPORT. Within **thirty (30) days** from the date of application for Final Plat approval, the City Engineer and the Administrator shall review said Final Plat (and supporting data), and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to said report (should they so desire), and forward same to the City Council.

34-3-27 ACTION BY CITY COUNCIL. The City Council shall either approve or disapprove the application for Final Plat approval by resolution within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Council and the subdivider mutually agree to extend this time limit. The City Council shall not approve any Final Plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat; and
- (B) the final plat manifests substantial compliance with the design and improvements standards of this Code, the Zoning Code, and the Official Map; and
- (C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (D) either of the following has been met:
 - (1) all required improvements have been completed, inspected, accepted, and dedicated; or
 - (2) the subdivider/developer has posted a performance bond to guarantee the satisfactory completion and dedication of all required improvements.

If the City Council disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider. **(See 65 ILCS 5/11-2-8)**

34-3-28 CHANGES IN APPROVED FINAL PLATS. Once a Final Plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review. **(See Section 34-4-4.6)**

34-3-29 - 34-3-34 RESERVED.

DIVISION V - MAINTENANCE OF IMPROVEMENTS

34-3-35 **SUBDIVIDER'S RESPONSIBILITIES.** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity.

34-3-36 **MAINTENANCE BOND.** Prior to dedication, the subdivider/ developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount of **twenty-five percent (25%)** of the approved construction estimate amount as determined by the City Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. In addition to the improvements, the maintenance bond shall cover any problems developing in the area of the subdivision which can be proven to have created as a result of the construction of the subdivision. If at any time during the **two (2) year** period the improvements are found to be defective or problems above develop, they shall be repaired, replaced, or corrected at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Administrator, the City shall use the maintenance bond to make the necessary repairs, replacements, or corrections. If the cost of repairs, replacements, or corrections exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **two (2) year** period, the maintenance bond shall be released. **[See Schedule "F" at the conclusion of the Chapter.]**

DIVISION VI - VACATION OF PLATS

34-3-37 **VACATION OF PLATS.** In accordance with State law (**Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Council in the same manner as plats of subdivision and shall also be approved by the County Engineer, the Highway Commissioner of the appropriate township, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.

ARTICLE IV - ADMINISTRATIVE PROCEDURES

34-4-1 **ENFORCEMENT OFFICER, DUTIES.** The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

- (A) to review and forward preliminary plats to the Plan Commission (**See Art. III; Div. I**);
- (B) to transmit improvements plans to the City Engineer for his review (**See Art. III; Div. II**);
- (C) to review and forward final plats to the City Council (**See Sec. 34-3-23**);
- (D) to issue stop orders as necessary when the Zoning Administrator or City Engineer determines that approved improvements are being constructed in violation of this Code (**See Sec. 34-3-10**);
- (E) to pursue actions authorized at **Section 34-3-19** when a developer fails to complete required improvements;
- (F) to evaluate and pass upon proposed changes in approved final plats (**See Sec. 34-3-28**);
- (G) to review and forward applications for subdivision variances to the Plan Commission (**See Sec. 34-4-2**);
- (H) to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements (**See Sec. 34-3-11**), final plats, variances, and amendments;
- (I) to provide information to subdividers/developers and to the general public on matters related to this Code; and
- (J) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the City Planning Commission as necessary.

34-4-2 **SUBDIVISION VARIANCES.** Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the Administrator at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.

34-4-3 **REVIEW BY PLAN COMMISSION.** The Plan Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the City Council together with their recommendation on preliminary plat approval (**See Sec. 34-3-2**). The Plan Commission's advisory report shall be responsive to all the variances standards set forth in **Section 34-4-4**.

34-4-4 **ACTION BY CITY COUNCIL, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat approval (**See Sec. 34-3-3**), the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

- (A) the proposed variance is consistent with the general purposes of this Code (**See Sec. 34-1-2**); and
- (B) strict application of the subdivision requirements (**See Article V**) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

- (C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
- (D) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and
- (F) the variance, if granted, will not materially frustrate implementation of the comprehensive plan including the Official Map.

Financial consideration or peculiar circumstances do not constitute a hardship. **(Ord. No. 1384; 01-03-06)**

34-4-5 AMENDMENTS. Amendments to this Code may be proposed by the Administrator, any member of the City Council, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Plan Commission for a public hearing.

(A) **Public Hearing, Notice.** The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within this municipality.

(B) **Advisory Report, Action by City Council.** Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-4-6 SCHEDULE OF FEES. All fees indicated in tabular form below shall be paid to the City Clerk. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device.

<u>Procedure</u>	<u>Fee</u>
Filing preliminary plat	\$15.00 per lot or a minimum of \$500.00
Filing Improvement plans	\$1,500.00 flat fee
Improvements inspection	3% of estimated improvement costs
Filing final plat	\$5.00 per lot
Filing variance request	\$100.00 plus the cost of mailing; public notices, and the court recorder fees
Filing amendment proposal	\$100.00 plus the cost of mailing; public notices, and the court recorder fees

34-4-7 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

34-5-1 **APPLICABILITY OF ARTICLE.** No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. **(See III. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.)** No lot in any subdivision shall be conveyed until:

(A) the final plat of said subdivision has been approved by the City Council and recorded in the office of the County Recorder of Deeds; and

(B) the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Zoning Administrator shall not issue a Certificate of Zoning Compliance for any lot conveyed in violation of this Section; nor shall the Administrator issue a Building Permit for such lot until said Certificate has been issued following correction of violation. **(See Article III in old Code)**

34-5-2 **SUITABILITY FOR DEVELOPMENT GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

34-5-3 **RESERVATIONS FOR PUBLIC USE.** Instead of – or besides – requiring the developer to dedicate parcels, the City Council may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City's Comprehensive Plan.

DIVISION II - LOT REQUIREMENTS

34-5-4 **CONFORMITY WITH ZONING.** All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

34-5-5 **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

34-5-6 **REFERENCE MONUMENTS.** Reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. **(III. Comp. Stats., Chap. 765, Sec.**

205/1.) All block corners shall be **thirty-six (36) inches** permanent concrete post monuments and **four (4) inches** in diameter. All lot corners shall be marked by at least **one-half (0.5) inch** iron pins not less than **thirty (30) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one-half (0.5) inch**.

DIVISION III - STREET DESIGN STANDARDS

34-5-7 **PLAN INTEGRATION.** All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in **Table 5-A**.

34-5-8 **RIGHT-OF-WAY AND PAVEMENT WIDTHS.** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in **Table 5-A**.

34-5-9 **TOPOGRAPHICAL CONSIDERATIONS.** Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

34-5-10 **THROUGH TRAFFIC DISCOURAGED.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

34-5-11 **LIMITED ACCESS TO ARTERIALS.** Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the City Council that access to said arterial street be limited by one of the following means:

(A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;

(B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or

(C) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

34-5-12 **DEAD-END STREETS.**

(A) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the City's Official Map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip

that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street, if required by the City.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of **fifty (50) feet** and a minimum pavement radius of **forty-two (42) feet**, shall be provided at the end of every permanent dead-end street.

34-5-13 **INTERSECTIONS.**

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

(D) **Curb Radii.** To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be **twenty-five (25) feet** from back of curb.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

(H) **Driveways.** It shall be unlawful to construct a driveway in the triangular area shown in **Figure 1**.

34-5-14 **REVERSE CURVES.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local and collector streets (**see Figure 2**).

34-5-15 **IMPROVEMENTS TO EXISTING STREETS.** Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-5-21** et seq., and pay one-half the cost of said improvements.

34-5-16 **WHEN EXCESS RIGHT-OF-WAY REQUIRED.** Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

- (A) due to topography, additional width is necessary to provide adequate earth slopes;
- or
- (B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

34-5-17 - 34-5-19 RESERVED.

DIVISION IV - STREET IMPROVEMENT STANDARDS

34-5-20 STREET REQUIREMENTS. All streets shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. Typical roadway and pavement sections are shown in **Figures 6 and 7**. Requirements for pavement materials, equipment, and methods of construction for bituminous concrete (flexible) pavements and Portland cement concrete (rigid) pavements are contained in **Table 5-B**. Existing streets that adjoin the development on one side only will be improved to meet the current street standards, and this cost will be shared equally between the City and the developer. Existing streets that join the development on both sides shall be improved at the developer's expense. The extent of the improvement of existing streets will be determined by the City and the developer during improvement plan approval process. IDOT standards, policies and specifications shall be followed for all street design and construction, except as modified by this Code.

34-5-21 PAVEMENT STRUCTURE. All streets shall be paved across the entire surface width specified in **Section 34-5-8**. The structural composition of the pavement shall conform to the minimum requirements set forth in **Table 5-B**. Design requirements for both rigid and flexible pavements are set forth hereinafter.

(A) **Flexible Pavements.** Flexible pavements are to be constructed as multi-layered structures combining hot mix bituminous concrete/bituminous base/crushed stone base/subbase. Each layer of material is to be constructed in lifts not to exceed the maximum lift thickness (compacted) specified in **Table 5-B**. The minimum width of any single pass for any lift/layer of bituminous mixture forming the through lanes of the street/road being constructed shall be limited to the width of a lane. (Example: If through lanes are 10 ft. wide each, the minimum width of any pass would be 10 ft.) Parking lanes, if constructed separately, shall be constructed with a full width pass necessary to complete the area between the through lanes and curb and gutter. There are alternate designs for either deep-strength asphalt or bituminous concrete on a crushed stone base/subbase. **(Ord. No. 1384; 01-03-06)**

(B) **Rigid Pavements.** Rigid pavements are specified as either reinforced or non-reinforced Portland cement concrete to be constructed with applicable specifications listed in **Table 5-B**. Alternate designs may be required or found acceptable provided the requirements contained in the notes in **Table 5-B** can be met or exceeded.

- (1) Joints shall be in accordance with the specifications contained in Standards B.L.R. 10-5 MODIFIED, or B.L.R. 14 (latest revisions). Sawing of joints shall begin as soon as the concrete has sufficient set to allow sawing without causing excessive raveling and should be completed within **twenty-four (24) hours** of placement. Joints shall be continued through parking lanes and curb & gutter. **(Ord. No. 1384; 01-03-05).**
- (2) Longitudinal joints shall be constructed at the street/road centerline, edge of both through lanes, and edge of parking lane adjacent to curb and gutter. If parking lanes and curb and gutter are placed integrally or no parking lanes are required and the through lane and curb and gutter are placed integrally, no joint will be required at this location. The joints may

be either "construction joints" or "sawed" joints. In either case, where longitudinal joints are required, #6 deformed transverse tie bars shall be placed in accordance with the details contained in Standards B.L.R. 10-5 MODIFIED, or B.L.R. 14 (latest revisions). This includes the longitudinal joint between the through lane and adjacent parking lane and the parking lane and adjacent curb and gutter. Sawing of joints shall begin as soon as the concrete has sufficient set to allow sawing without causing excessive raveling and should be completed within **twenty-four (24) hours** of placement.

- (3) Transverse Construction Joints shall be constructed at the end of each day's run or at locations where a "cold" joint will occur due to a delay or interruption in placement operations. Transverse construction joints shall be constructed as per details for Type D joints as contained in Standard B.L.R. 10-5 MODIFIED, or Transverse Construction Joint as contained in B.L.R. 14 (latest revisions). Transverse construction joints must be a minimum of **five (5) feet** from any contraction joint.
- (4) When reinforced PCC pavement is to be constructed, all reinforcement shall be placed on chairs and spacers of sufficient number and size to maintain the reinforcement within the range of elevation specified in the following table. The required number of chairs and spacers used shall be the number capable of maintaining the reinforcement within the range specified under the weight of workers placing the concrete pavement.

Pavement Thickness	Depth Below Pavement Surface
6"	2" min. 3" max.
7"	2" min. 3" max.
8"	3" min. 4" max.

Pavement reinforcement shall be in accordance with IDOT Standard 420701. (Latest revision) Should the Zoning Administrator, City Engineer or the developer's engineer determine that the minimal standards are not adequate for a given condition (i.e., traffic volume, size of loads, subgrade support, drainage, etc.), the required pavement design shall be determined by the developer's engineer as outlined in Notes contained in Table 5-B subject to the approval of the Zoning Administrator and/or City Engineer.

- (5) All concrete shall have a minimum cement factor of 6.05 cwt./cy.

(Ord. No. 1384; 01-03-06)

34-5-22 CURB AND GUTTER. All residential streets, except alleys, shall be constructed with Portland cement concrete Barrier Curb, Rolled Curb, and/or V-type Gutter in accordance with the details contained on Figure 3 Typical Curb and Gutter. Only Barrier Curb & Gutter shall be constructed in Industrial or Commercial Streets. The materials and construction methods for curb and/or gutter shall be in accordance with Figure 3 Typical Curb and Gutter.

Curb and gutter must be constructed separately in conjunction with Portland cement concrete pavement or shoulder as the case may be. New curb and gutter adjoining existing shall be "tied" together with **two (2) eighteen (18) inch** long #6 reinforcing bars drilled and epoxied into the existing curb and gutter and imbedded in the new concrete curb and gutter. **(Ord. No. 1418; 12-04-07)**

34-5-23 **EARTH SUBBASE.** The earth subbase shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density and shall extend across the entire width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in accordance with Article 207.05 of the current edition of the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction". The results of the soil analysis shall be filed with the City Engineer and compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of **one (1) test** per lane per **five hundred (500) lineal feet** of roadway length. All tests required shall be run by the subdivider's authorized agent and the results, along with the certification of the subdivider's Engineer, shall be filed with the City Engineer.

34-5-24 **MAINTENANCE RESPONSIBILITY.** Subsequent to completion of street construction by the subdivider, the City Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the City shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) shall be accepted in a subdivision until all streets comply with the City's requirements to the satisfaction of the City Engineer. In addition, the developer shall be required to provide a guarantee in the form of a Surety Bond in the amount of **twenty-five percent (25%) of the approved construction cost estimate** for a period of **two (2) years**.

DIVISION V - BLOCKS

34-5-25 **BLOCK WIDTH.** Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

34-5-26 **BLOCK LENGTH.** No block shall be longer than **one thousand two hundred (1,200) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

34-5-27 **CROSSWALKS.** Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

34-5-28 **RESERVED.**

DIVISION VI - SIDEWALKS

34-5-29 **SIDEWALKS.** Sidewalks shall be required:
(A) on at least **one (1) side** of a local street, when residential density is **two (2)** or more dwelling units per net acre; and

(B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Planning Commission advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet IDOT standards, policies and specifications.

34-5-30 SIDEWALK CONSTRUCTION STANDARDS.

(A) **Relationship to Curb.** The outside edge of every sidewalk shall be located **twelve (12) inches** inside right-of-way on all residential streets when the residential density is **two (2)** or more dwelling units per net acre.

(B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.

(C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.

(D) **Grade.** Sidewalk shall be constructed in accordance with current ADA standards.

(E) **Ramps at Intersections.** Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of disabled individuals in accordance with details contained in IDOT Standard 424001 (latest revisions). **(Ord. No. 1384; 01-03-06)**

34-5-31 RESERVED.

DIVISION VII - STREETLIGHTS

34-5-32 INTERSECTION LIGHTING. Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

34-5-33 STREETLIGHT SYSTEM STANDARDS. The design and installation of the streetlight system in every subdivision shall be reviewed by the Administrator and the appropriate electric utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a **175 watt lamp** or **6800 mercury luminary lamp**. Each streetlight standard (post) shall be at least **sixteen (16) feet** high.

34-5-34 RESERVED.

DIVISION VIII - SIGNS

34-5-35 **STREET SIGN SPECIFICATIONS.** Street name signs of the size, height, and type approved by Administrator shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The City Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

34-5-36 **STOP SIGNS.** Stop signs shall be provided by the developer. The City Superintendent shall specify the design and the location of the signs. He shall inspect the final installation.

DIVISION IX - UTILITIES

34-5-37 **UTILITY LOCATION AND EASEMENTS REQUIRED.** All utility lines shall be located underground throughout the subdivision, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of **one (1) foot** below the finished grade, while water and sewer utility lines shall be a minimum of **three (3) feet**. In addition, any support equipment required to be above ground (e.g., transformer boxes, vaults, etc.) shall be located in a safe and slightly manner. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located **one (1) foot** inside and outside the curb and gutter lines.

Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided that, on the recommendation of the Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

34-5-38 **UTILITY EASEMENTS.** Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **fifteen (15) feet** wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

34-5-39 **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

34-5-40 **EXCAVATION BACKFILL.** Excavation backfill for water and sewer lines shall be in accordance with the "Standard Specifications for Water and Sewer Construction in Illinois", latest edition. Pipe shall be placed on bedding material of gradation CA-6, CA-7, CA-11, CA-13, CA-16, FA-5, FA-6 or FA-10. Water or sewer lines which fall within the area bounded by an imaginary vertical plane located **one (1) foot** outside the curb and gutter lines shall be backfilled in accordance with DIV. V/STANDARD DRAWING

NO. 1 of the specifications cited in this Section. Any line crossing beneath the curb and gutter or falling within the roadway shall abide to DIV. V/STANDARD DRAWING No. 1 of the specifications cited in this Section.

34-5-41 **RESERVED.**

DIVISION X - WATER FACILITIES

34-5-42 **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations and the Illinois Environmental Protection Agency regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **six (6) inches** in diameter and shall conform to the latest edition of Standard Specifications for Water and Sewer Construction in Illinois and in accordance with all City administrative regulations.

The developer shall provide at his expense a minimum of **one (1)** water main tap per lot and shall be responsible for having a curb box installed in accordance with City administrative regulations.

Where public water supply facilities are available, private water wells shall not be installed. Backflow prevention devices shall be provided on public water supply services on properties where an existing well is already located.

Valves shall be located so that not more than **eight hundred (800) feet** of water main shall be put out of service at any one time.

34-5-43 **FIRE HYDRANTS.** Fire hydrants of the type approved by the City Fire Chief shall be installed in every subdivision as part of the water distribution system. Unless otherwise stated, fire hydrants shall have at least a **five (5) inch** barrel, be equipped with **two (2) connections** for **two and one-half (2.5) inch** hose and **one (1) four(4) inch** pumper connection, and have a separate shutoff valve and box of at least **six (6) inches** in nominal size. In general, said fire hydrants shall be installed throughout the subdivision so that no residence shall be greater than **four hundred (400) feet** from a fire hydrant. This distance being measured from the center line of the street right-of-way to the residence. Commercial and industrial areas shall have **four hundred (400) foot** spacing for fire hydrants.

34-5-44 **RESERVED.**

DIVISION XI - SANITARY SEWERS

34-5-45 **COMPLIANCE WITH REGULATIONS.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by the City Council. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 5th Edition, or as amended.

34-5-46 **WHEN PUBLIC SYSTEM AVAILABLE.** Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto. (Note: See Chapter 38 of City's Municipal Code for sewer main specifications.)

Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the City. Occasionally the City may require the subdivider to install a system with a capacity greater than the needs of the individual subdivision. In these instances the City may participate in the additional costs involved with increasing the capacity of the system.

34-5-47 **ALTERNATE METHODS OF DISPOSAL.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the City to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the City's approval of the method of sewage disposal:

(A) **Private Central Sewage Systems.** Upon specific approval of the City Council, the subdivider may install a private central sewage system. The City shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the City shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

(B) **Individual Disposal Systems.** Upon written approval of the City Council, the subdivider may install individual sewage disposal systems providing the lot size is in excess of **fifty thousand (50,000) s.f.** If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "**Private Sewage Disposal Licensing Act and Code**" of the Illinois Department of Public Health or the County Health Department regulations whichever are stricter.

34-5-48 - 34-5-50 **RESERVED.**

(See Chapter 32 for the Stormwater Code and Chapter 40 for the Zoning Code.)

**CITY OF HILLSBORO
SUBDIVISION CODE**

SCHEDULES AND BONDS

Schedule A	Checklist for Preliminary Plat
Schedule B	Checklist for Engineering Plans
Schedule C	Checklist for Final Plat
Schedule D	Surety Bond for Improvements
Schedule E	Cash Bond
Schedule F	Maintenance Bond
Appendix A	Financial Commitment
Figure 1	Minimum Sight Lines at Intersections
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Figure 3	Typical Curb and Gutter
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Table 5-A	Street Design Specifications
Table 5-B	Minimum Requirements for Structural Composition of Pavements

Schedule A. Checklist for Preliminary Plat

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 60 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

- _____ 1. Six copies of preliminary plan submitted.
- _____ 2. Plans conform to Sec. 34-3-3.
- _____ 3. Plan scale is not less than 1" to 100'.
- _____ 4. Minimum profile scale is 1" to 100' horizontal and 1" to 10' vertical.
- _____ 5. A title sheet is included with each set of preliminary plans.
- _____ 6. Name of proposed subdivision shown.
- _____ 7. Location given by town, range, section or other legal description.
- _____ 8. Name and address of owner, trust, corporation, or subdivider having control of project is shown.
- _____ 9. Name and seal of professional engineer or surveyor who prepared topographic survey is shown.
- _____ 10. Name and address of the designer of the plan is shown.
- _____ 11. North direction is shown.
- _____ 12. Date of preparation and date of revision, if any, is shown.
- _____ 13. A location map is included indicating:
 - _____ a. A scale of not less than 1" to 1,000'.
 - _____ b. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
 - _____ c. Use of surrounding land.
 - _____ d. Ownership of the surrounding land.
 - _____ e. Alignment of existing streets.
 - _____ f. Section and corporate lines.
- _____ 14. Boundary lines of proposed subdivision are clearly shown.
- _____ 15. Total approximate acreage is shown.
- _____ 16. Existing zoning classification is indicated.
- _____ 17. The following existing items, if within the boundaries of the subdivision, or located 100' or less outside the boundaries are shown:
 - _____ a. Previously platted streets and other right-of-way, with improvements, if any, indicating:
 - _____ 1. Location
 - _____ 2. Widths
 - _____ 3. Names
 - _____ b. Railroad rights-of-way, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ c. Utility rights-of-way, indicating:
 - _____ 1. Location
 - _____ 2. Widths
 - _____ 3. Type
 - _____ a. Sewer
 - _____ b. Water
 - _____ c. Electric
 - _____ d. Other

- _____ d. Parks and other open spaces indicating:
 - _____ 1. Location
 - _____ 2. Area
- _____ e. Easements, including:
 - _____ 1. Location
 - _____ 2. Width
 - _____ 3. Purpose
- _____ f. Permanent buildings and structures, indicating:
 - _____ 1. Location
 - _____ 2. Setback lines
 - _____ 3. Names of owners
- _____ g. Section and corporate lines
- _____ h. Sanitary sewers, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Manholes
 - _____ 4. Invert elevations at manholes
- _____ i. Water mains, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Valves, indicating:
 - _____ a. Valve manhole, or
 - _____ b. Valve box
 - _____ 4. Fire hydrants and auxiliary valves
- _____ j. Culverts, indicating:
 - _____ 1. Type
 - _____ 2. Location
 - _____ 3. Size
 - _____ 4. Invert elevation
- _____ k. Storm sewers, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Catch basins
 - _____ 4. Invert elevations
- _____ l. Watercourses, indicating:
 - _____ 1. Type
 - _____ 2. High water width and elevation
 - _____ 3. Width of easement
 - _____ 4. Location of easement
- _____ m. Marshes or wetlands, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Soil bearing capacity
- _____ n. Floodplains, floodways, or flood prone areas, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Type
- _____ o. Rock outcrops, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
- _____ p. Monuments and survey markers, indicating:
 - _____ 1. Location
 - _____ 2. Type
- _____ 18. Topographic data is given in feet above mean sea level within the tract and to a distance of 100' beyond, indicating:
 - _____ a. Existing contours at vertical intervals of not more than 1'.
 - _____ b. Proposed contours at vertical intervals of not more than 1'.
 - _____ c. Bench mark, indicating:

- _____ 1. Location
 - _____ 2. Description
 - _____ 3. Elevation
- _____ 19. Soil bearing data is given, if required by the municipality, indicating:
- _____ a. Location of tests
 - _____ b. Depth of tests
 - _____ c. Soil bearing capacity
 - _____ d. Moisture content
- _____ 20. The following proposed items, if within the boundaries of the subdivision or located 100' or less outside of the boundaries, are shown:
- _____ a. Layout of streets, indicating:
 - _____ 1. Arterial streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 2. Collector streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 3. Local streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 4. Cul-de-sac streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ c. The length does not exceed 500' unless there less than 16 lots abutting the cul-de-sac street.
 - _____ d. Terminus is circular, or nearly so, and right-of-way is at least 120' in diameter.
 - _____ e. Terminus roadway width is 80' in diameter.
 - _____ 5. Marginal access street, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 6. Through street shown extended to boundaries of subdivision
 - _____ 7. Storm water runoff pattern on paving
 - _____ b. Names of streets
 - _____ 1. Not duplicating the name of any street heretofore used in the municipality or its environs, unless the street is an extension of an already existing street, in which case, the name shall be used.
 - _____ c. Street improvement plan showing location of all new street improvements, including those to the center line of previously dedicated rights-of-way, abutting the subdivision, in accordance with prevent municipality standards.
 - _____ d. Utility easements:
 - _____ 1. Located at the rear of each lot and other necessary locations
 - _____ 2. Not less than 10' in width on each lot
 - _____ 3. Purpose is indicated
 - _____ 4. Storm water runoff is indicated
 - _____ e. Centerline profiles of all streets showing gradients not less than 0.4 percent and not more than:
 - _____ 1. 5.0% on collector streets
 - _____ 2. 7.0% on minor streets
 - _____ f. Pedestrian ways, when required, indicating:
 - _____ 1. Location at approximately the center of blocks in excess of 1000' in length
 - _____ 2. Width not less than 10'
 - _____ 3. Shrub or tree hedge at side boundary lines
 - _____ g. Block layout, indicating:
 - _____ 1. Blocks do not exceed 1200' in length

- _____ 2. Additional access ways to parks, schools, etc., are shown in accordance with the plan commission's requirements
- _____ 3. Blocks fit readily into the overall plan of the subdivision, with due consideration given to:
 - _____ a. Topographical conditions
 - _____ b. Lot planning
 - _____ c. Traffic flow pattern
 - _____ d. Public open space areas
- _____ 4. Block numbers
- _____ 5. Blocks intended for commercial, industrial or institutional use are so designated
- _____ h. Lot layout, indicating:
 - _____ 1. Lot dimensions
 - _____ 2. Lot areas, not less than those stipulated in the appropriated district regulations of the zoning code (Areas may be listed by Schedule)
 - _____ 3. Building setback lines shown and properly dimensioned
 - _____ 4. Proposed land use
 - _____ 5. Lot numbers
 - _____ 6. Corner lots are sufficiently larger than interior lots to allow maintenance of building setback lines on both street frontages and still allow a buildable width equal to that of the smallest interior lot in the block
 - _____ 7. All lots abut a publicly dedicated street for a distance of not less than the minimum width of the lot
 - _____ 8. Lots are as nearly rectangular in shape as is practicable
 - _____ 9. Lots are not less than the provision of the zoning code
 - _____ 10. Lot lines are substantially at right angles to the street lines and radial to curved street lines
 - _____ 11. Double frontage lots only where:
 - _____ a. Lots back upon an arterial street and front on an access street
 - _____ b. Topographic or other conditions make subdividing otherwise unreasonable
 - _____ c. Lots can be made an additional 20' deeper than average
 - _____ d. A protective screen planting is indicated on one frontage
 - _____ 12. Lots abutting or traversed by a watercourse, drainage way, channel way, channel, or stream, indicate:
 - _____ a. Additional width and depth to provide an acceptable building site
 - _____ b. Width of easement is at least 15' wider on each side of water at high water level
 - _____ 13. Due regard for natural features, such as:
 - _____ a. Trees
 - _____ b. Watercourses
 - _____ c. Historic items
 - _____ d. Other similar conditions
- _____ i. Areas intended to be dedicated for public use, indicating:
 - _____ 1. Plan conforms to general development plan of the municipality
 - _____ 2. Purpose
 - _____ 3. Acreage
- _____ j. Source of domestic water supply, indicating:
 - _____ 1. Connection to existing water mains
 - _____ 2. Location of site for community water plans
- _____ k. Provision for sewage disposal, indicating:
 - _____ 1. Connection to existing sanitary sewer mains

- _____ 2. Location of site for community sewage disposal plant
- _____ l. School sites, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Acreage
- _____ m. Topographic information, indicating:
 - _____ 1. Proposed changes in elevation of land showing that any flooding would be relieved
 - _____ 2. Adequate installation of storm sewers would remove the possibility of flooding
- _____ n. Sanitary sewer layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Invert elevation at manholes
 - _____ 4. Manhole locations
- _____ o. Watermain layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Looped pattern where practicable
 - _____ 4. Fire hydrants, as per Section 34-5-43
- _____ p. Storm sewer layout (See Ch. 32)
 - _____ 1. Location
 - _____ 2. Catch basins at not more than 600' intervals
 - _____ 3. Storm water is not carried across or around any intersection
 - _____ 4. Surface water drainage pattern for individual lot and block
- _____ q. Street light layout, indicating:
 - _____ 1. Locations and typical street light detail, or
 - _____ 2. Statement by subdivider that street lights will be installed in accordance with municipality standards
- _____ 21. An outline of proposed covenants accompanies the plans, indicating the intention of the subdivider to have the covenants recorded with the final plat.
 - _____ a. Protective against obstruction against drainage easements
- _____ 22. Typical street cross-section showing base construction, surfacing, concrete curb and sidewalk in accordance with the land improvements code.
- _____ 23. Indication that sidewalks will be installed along all lot lines coincidental with street rights-of-way.
- _____ 24. Indication on drawing or by certificate that subdivider is aware of his responsibility for installation of street signs and for seeding and tree planting in all parkways.

Completed by _____ (Name)
 _____ (Address)
 Reviewed by _____ (Zoning Administrator)
 _____ (Date)
 Considered by Plan Commission on _____ (Date)
 _____ (Chairman)

Schedule B. Checklist for Engineering Plans

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 45 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.".

- _____ 1. Plans have been submitted within twelve (12) months of the date of approval by the municipality board of the Preliminary Plan.
- _____ 2. Four (4) copies of engineering plans have been submitted.
- _____ 3. Plans conform to Article V, p. 858.
- _____ 4. A title sheet is included with each set of plans, and includes:
 - _____ a. Name of subdivision and unit number.
 - _____ b. Type of work covered.
 - _____ c. Location map showing relation of area to be improved to existing streets.
 - _____ d. An index of sheets.
 - _____ e. A summary of quantities.
 - _____ f. Name, address, and seal of registered engineer preparing the plans.
 - _____ g. Date of preparation and revisions, if any, is shown.
- _____ 5. Plans and profiles are on Federal Aid Sheets, plate I or II or equal.
 - _____ a. Horizontal scale is not less than 1" to 50'.
 - _____ b. Vertical scale is not less than 1" to 5'.
- _____ 6. Cross sections.
- _____ 7. North direction is shown for each separate plan view.
- _____ 8. An adequate number of bench marks are shown with elevations referenced to mean sea level, to facilitate checking of elevations.
- _____ 9. Delineation is shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance to these facilities.
- _____ 10. An application for State Environmental Protection Agency permit for the sanitary sewer extension accompanies the plans.
- _____ 11. Sanitary sewer plans and specifications are complete and conform to the standards and requirements of the codes applicable thereto and denote all of the following:
 - _____ a. All properties in the subdivision are served and house service connections are provided.
 - _____ b. The minimum size main is 8" I.D.
 - _____ c. The plan conforms to the overall municipal plan for any trunk sewers traversing the subdivision.
 - _____ d. The distance between manholes does not exceed 400'.
 - _____ e. The invert elevation of each manhole is shown.
 - _____ f. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ g. Extra strength pipe and extra strength manhole wall construction is specified and shown on the plans and in the estimates of quantities where the depth of installation exceeds 8'.
 - _____ h. Profile of existing and proposed ground surfaces.
 - _____ i. Risers are shown for individual house service laterals where depths of main exceeds 12'.
 - _____ j. Pipe joints are of permitted type.
 - _____ k. Minimum manhole cover weights are correct.
 - _____ 1. 540 pounds in collector streets.

- _____ 2. 400 pounds in minor and cul-de-sac streets.
- _____ 3. 335 pounds in rear-lot easements. Just use one MH Cover 2 (IDOT Type 1)
- _____ 12. An application for State Environmental Protection Agency approval of the water main installation accompanies the plans.
- _____ 13. Water distribution plans and specifications are complete and conform to the codes applicable thereto and include all of the following:
 - _____ a. All properties in the subdivision are served.
 - _____ b. The minimum size main is 6" I.D.
 - _____ c. The plan conforms to the municipality's overall plan for any trunk lines which might traverse the subdivision.
 - _____ d. Valve and hydrant spacing and location conform to the approved preliminary plan.
 - _____ e. Materials and joint specifications comply with the municipality's standards.
 - _____ f. Specifications include provisions for testing and sterilization of all new water distribution facilities.
 - _____ 1. Valve cover
 - _____ 2. Standard cover
 - _____ 3. Standard hydrant installation
- _____ 14. Street plans, including storm sewers, are complete and conform to the codes applicable thereto and include the following:
 - _____ a. The location of streets and width of pavements conform to those indicated on the approved preliminary plan.
 - _____ b. Plan shows curb, gutter and sidewalk locations, and include the following information:
 - _____ 1. Corner curb radius is not less than 16'.
 - _____ 2. Curve data for all horizontal curves.
 - _____ 3. Direction of flow along all curbs.
 - _____ 4. No surface water is carried across or around any street intersection, nor for a distance greater than 600'.
 - _____ c. Cross-sections are submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location.
 - _____ d. Profiles are submitted for all paving centerlines and storm sewers and indicate:
 - _____ 1. Catch basin invert elevations.
 - _____ 2. Minimum pipe size is 12" I.D.
 - _____ 3. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ 4. Storm sewer elevations do not conflict with any other underground utilities.
 - _____ 5. Storm sewer is connected with an adequate outfall.
 - _____ 6. Curve data is given for vertical road curves.
 - _____ e. The storm sewer system is designed to provide sufficient capacity for the drainage of upland areas contributing to the storm water runoff on the street.
 - _____ 1. Storm sewer design computations are submitted with plans.
 - _____ f. A surface water drainage pattern is shown for each block.
 - _____ g. Material specifications comply with municipality standards and include:
 - _____ 1. Paving base material
 - _____ 2. Paving surface materials
 - _____ 3. Concrete
 - _____ 4. Pipe materials
 - _____ h. Typical cross-sections and details include the following:
 - _____ 1. Collector street
 - _____ 2. Minor or cul-de-sac street
 - _____ 3. Concrete curb and gutter
 - _____ 4. Concrete sidewalk
 - _____ 5. Standard manhole
 - _____ 6. Standard cover

- _____ 7. Catch basin
- _____ 15. Street light plans are complete and include the following:
- _____ a. Pole locations
 - _____ b. Spacing
 - _____ c. Average maintained footcandle illumination (calculated).
 - _____ 1. Type of base and pole
 - _____ 2. Bracket or arm
 - _____ 3. Luminaire, indicating type of lamp and wattage
 - _____ 4. Mounting height
- _____ 16. Parkway improvement specifications are complete and include provisions for:
- _____ a. Removal of stumps, trees that cannot be saved, boulders, and all other similar items.
 - _____ b. Grading, installation of topsoil and seeding or sodding.
- _____ 17. Street signs are shown to be installed at all street intersections not previously marked.

Completed by _____ (Name)
 _____ (Address)
 _____ (Date)

Reviewed by _____ (Zoning Administrator)
 _____ (Date)

Considered by Plan Commission on _____ (Date)
 _____ (Chairman)

Schedule C. Checklist for Final Plat

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 30 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

- _____ 1. Plat has been submitted within six (6) months after the approval of the engineering plans.
- _____ 2. Plat has been submitted within three (3) years after the approval of the preliminary plan (unless an extension of time has been requested and granted by the City Council.
- _____ 3. One (1) original drawing of the final plat has been submitted.
- _____ 4. One (1) transparency print of the final plat has been submitted.
- _____ 5. Four (4) copies of the final plat have been submitted.
- _____ 6. Plat is drawn with black or blue ink on heavy linen tracing cloth or polyester film.
- _____ 7. North direction is shown.
- _____ 8. Scale is shown (minimum 1" equals 100').
- _____ 9. Section corners and section lines are accurately tied into subdivision by distances and angles.
- _____ 10. Official survey monuments are shown as required.
- _____ 11. All necessary easements are shown and dimensioned.
- _____ 12. Building setback lines are shown and dimensioned in accordance with the zoning code.
- _____ 13. Lot areas are in accordance with the applicable zoning regulations.
- _____ 14. Street names are shown.
- _____ 15. Areas to be dedicated or reserved for public use are shown and described and the purpose is designated.
- _____ 16. Protective covenants are lettered on the plat or are appropriately referenced.
- _____ 17. Required certificates are shown and signed:
 - _____ a. Surveyor's certificate (including legal description).
 - _____ b. Owner's certificate.
 - _____ c. Notary certificate.
 - _____ d. County Clerk certificate.
 - _____ e. Flood Hazard certificate.
 - _____ f. Plan Commission certificate.
 - _____ g. City Council Certificate.
 - _____ h. Administrator.
- _____ 18. The following items have been submitted with the final plat:
 - _____ a. Detailed specifications for all required land improvements not previously submitted and approved with the engineering plans.
 - _____ b. A copy of the state sanitary water board permit for the sanitary sewer installation.
 - _____ c. A copy of the state department of public health approval of the water main installation.
 - _____ d. An affidavit by the subdivider acknowledging responsibility for the proper installation of all required land improvements.
 - _____ e. A certified estimate of cost of all required land improvements prepared by a registered engineer.
 - _____ f. A description of the bond or guarantee collateral intended to be submitted after contingent approval is granted by the City Council.

Completed by _____ (Name)

Reviewed by: _____ (Zoning Administrator)

Considered by Plan Commission on _____ (Date)

_____ (Chairman)

Schedule D. Surety Bond for Improvements

"Know all men by these presents that we, _____, (name of individual, corporation, etc.), as principal, and the _____, (name of bonding company), a corporation, authorized to do business in the State of _____, as surety, are held and firmly bound unto the City of Trenton, in the penal sum _____ Dollars, lawful money of the United States for the payment of which we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns jointly by these presents:

"The condition of this obligation is such that whereas, the said _____, (name of individual, corporation or principal) has agreed to construct and/or install at its expense the following improvements:

- Street base and paving
- Concrete curb and gutters
- Water mains, appurtenances, and house services
- Storm sewers, appurtenances, and house services
- Sanitary sewers, appurtenances, and house services
- Concrete sidewalks
- Street lights
- Site improvements

All in accordance with the specifications and codes of the City, and contained in plans and specifications prepared by _____ (named engineer), and approved by the City Council, at the following location:

(Description of Property)

`And has agreed to maintain such improvement constructed under this bond for a period of two years from the date of acceptance of the same by the City.

`Now, therefore, if the said principal shall well and truly perform in all respects in strict accordance with the requirements, and shall save the City harmless from all loss, cost or damage, by reason of their failure to complete said work, or maintain said improvements, relating to the above described work, then this obligation to be void, otherwise to remain in full force and effect."

Schedule E. Cash Bond

The Plan Commission may permit a developer to file in lieu of the surety bond called for in Schedule D, a cash bond guaranteeing that the improvements will be completed as follows:

(A) Undertaking in Lieu of Completion Bond.

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within that community guarantee the construction of such improvements by a completion bond or other security acceptable to the community; and WHEREAS, _____ desires to construct a residential development within the _____ of _____, and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the _____ of _____, as follows:

1. THAT _____ is the owner and/or developer of the property legally described in clause 2 of this undertaking, and shall hereinafter be referred to as "OWNER"; and, THAT the _____ of _____ shall hereinafter be referred to as "MUNICIPALITY".

2. THAT the OWNER is the legal title holder of the following described property:

[Legal Description]

3. THAT the OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), and common landscaping. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the municipal engineer such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the municipal engineer in determining the amount of reasonably anticipated costs for the construction of such improvements, the OWNER may submit to the engineer signed contracts for the construction of such improvements. The municipal engineer, upon being satisfied that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent one hundred ten percent (110%) of the reasonably estimated cost of completing the required improvements for which the MUNICIPALITY is requiring a completion guarantee.

4. [THAT except for the issuance of building permits for a reasonable number of models], the OWNER shall not be entitled to the issuance of [further] building permits until and unless said OWNER shall submit to the municipality an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the municipality in the amount certified by the municipal engineer.

5. THAT the written irrevocable financial commitment shall be furnished by the municipality from a banking or lending institution in the form marked Appendix A and appended to this agreement.

6. THAT the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of two (2) years after their donation to the municipality. Upon final completion of the streets, sidewalks, street lights, sanitary sewers, storm sewers, and water mains, the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting of the Bill of Sale in the case of personal property and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF _____ has hereunto
set his hand and seal this _____ day of _____, 20____.

(OWNER)

APPROVED by the _____ of _____ this _____ day of _____
_____, 20____.

BY: _____
(MUNICIPALITY)

(B) [Letterhead of Bank, Savings and Loan or Mortgage House]

_____, 20____

Schedule F. Maintenance Bond

The contractor making subdivision improvements shall furnish a two-year maintenance bond in the amount of 25% of the total cost of any improvements and installations excluding street tree plants and landscaping, which are to be maintained by the municipality. Such bond shall be in full force and effect from the date of the letter from the Administrator certifying that all required subdivision improvements and installations have been completed. This bond shall provide that all defects in the improvements and installations will be corrected at the end of the bond period subject to the approval of the Administrator. In those cases where a surety bond has been posted for the improvements in accordance with division (D) of this section, the applicant may provide that the surety bond be extended to cover this two-year period. Otherwise, a separate maintenance bond shall be posted.

APPENDIX A: FINANCIAL COMMITMENT

GENTLEMEN:

We hereby establish our irrevocable credit in favor of _____ [developer] _____, or the municipality of _____ in the amount of _____ Dollars (\$_____). We understand that this irrevocable credit is to be used to construct the following improvements in the residential development known as _____ to be constructed within the _____ of _____, Illinois:

streets; sidewalks; street lights; the portion of sanitary sewers, storm sewers, and water mains to become municipality-owned; recreational facilities (including a recreational building and a swimming pool and appurtenances thereof); and, landscaping in common areas.

The development is legally described as follows: [Legal Description]

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the municipality of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certificate by the municipal engineer, _____ [his name] _____, that such work has been properly completed, however, that we shall withhold from each payment made under such sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of the streets and sidewalks, at which time the ten percent (10%) sum withheld shall be disbursed less a sum equal to one hundred and twenty-five percent (125%) of the cost of the final surfacing of the streets, which sum shall be finally disbursed when the work has been completed and the requirements of certification and lien waivers as has been hereinabove set out.

The required improvements shall be completed in accordance with the following schedule: [Insert Schedule].

If we receive a resolution of the corporate authorities of the municipality indicating that the owner and/or developer has failed to satisfactorily complete or carry on the work of the installation and construction of the required improvements, and such resolution indicates that the owner and/or developer has been notified that the municipality finds that a breach of the owner's and/or developer's obligations has occurred and have not been cured within a period of thirty (30) days, that in such case we shall make payments for materials and labor to such contractor(s) or subcontractor(s) retained by the municipality who have completed the improvements in substantial accordance with the plans and specifications of the owner and/or developer; such payments shall be made upon the certification of the municipal engineer that the work has been completed and the submission of proper waiver of liens from the contractor(s) or subcontractor(s). The amount of the payouts shall be in accordance with the retention provisions as previously set out.

The irrevocable credit established by us shall be in force for a period of _____ (_____) years, and shall remain in effect without regard to any default in payments of sums owned us by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer. Sixty (60) days prior to the expiration of this irrevocable credit, we shall notify the corporate authorities of the municipality, by registered letter return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. If the work covered by this commitment has not been completed within the time set forth in this agreement, the municipality may at its option continue drawing funds as otherwise provided for an additional period of one (1) year. It is recognized that the municipality is according to the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

TABLE 5-A

STREET DESIGN SPECIFICATIONS

RESIDENTIAL STREETS

<u>Classification</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Pavement Width B-B Curbs</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Local	None	50	24	15	0.50
Local	Both Sides	62	39	15	0.50
Collector	Both Sides	64	41	9	0.50
Arterial	None	64	28	6	0.50

COMMERCIAL AND INDUSTRIAL STREETS

<u>Classification</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Surface Width B-B Curbs (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Local	50	28	8	1.0
Collector	60	40	8	1.0

ABBREVIATIONS:

B-B Curbs = Back to Back of Concrete Curbs

TABLE 5-B

MINIMUM REQUIREMENTS FOR STRUCTURAL COMPOSITION OF PAVEMENTS

<u>Street Classification</u>	<u>Flexible Pavements</u>	<u>Rigid Pavements</u>
LOCAL Residential	8" Agg. Base 1 1/2" HMA Binder 1 1/2" HMA Surface	6" P.C.C. 4" Agg. Base
COLLECTOR Residential	12" Agg. Base 2" HMA Binder 2" HMA Surface	6" P.C.C. 4" Agg. Base
ARTERIAL	*	*
LOCAL Commercial and Industrial	*	*
COLLECTOR Commercial and Industrial	*	*

* Developer shall provide traffic count data and pavement design recommendation for review and approval by the City.

- NOTES:
1. All pavement subgrades shall meet Illinois Department of Transportation standards.
 2. Alternate pavement designs in addition to those shown above shall meet I.D.O.T. standards and shall be submitted for review and approval by the City.

ABBREVIATIONS:

HMA	=	Hot Mix Asphalt
P.C.C.	=	Unreinforced Portland Cement Concrete
S.R.P.C.C.	=	Standard Reinforced Portland Cement Concrete
Agg.	=	Aggregate

FIGURE 1
MINIMUM SIGHT
LINES AT
INTERSECTIONS

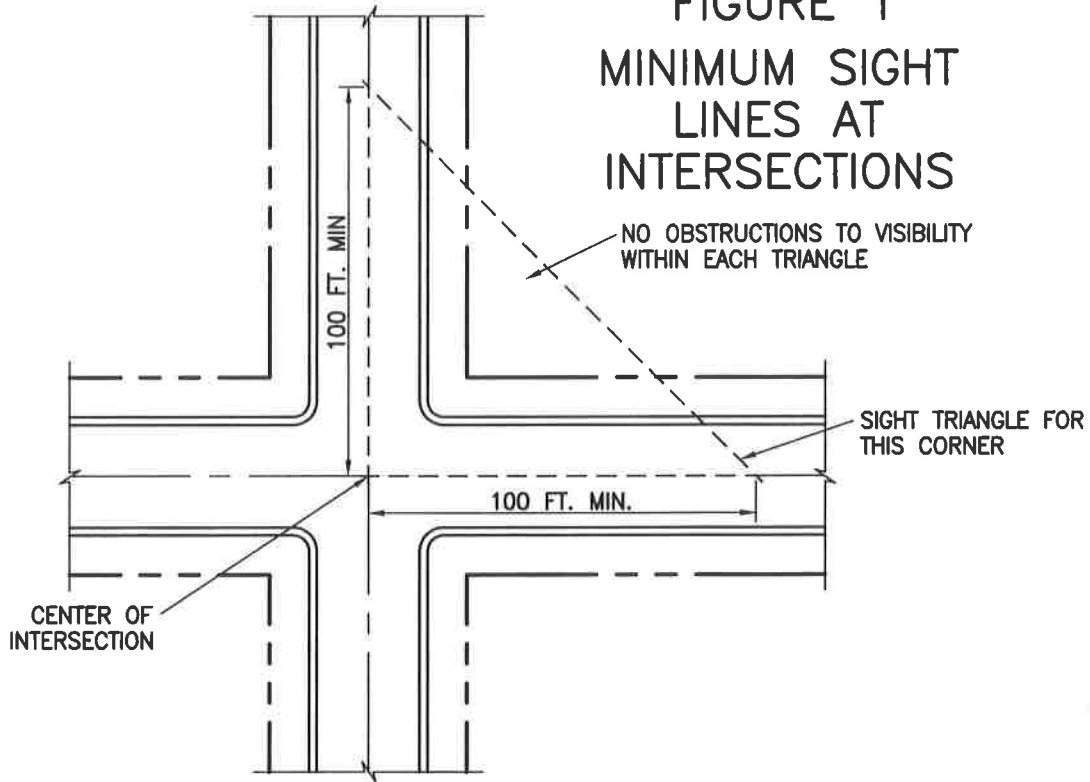


FIGURE 2
MINIMUM
REVERSE
CURVES

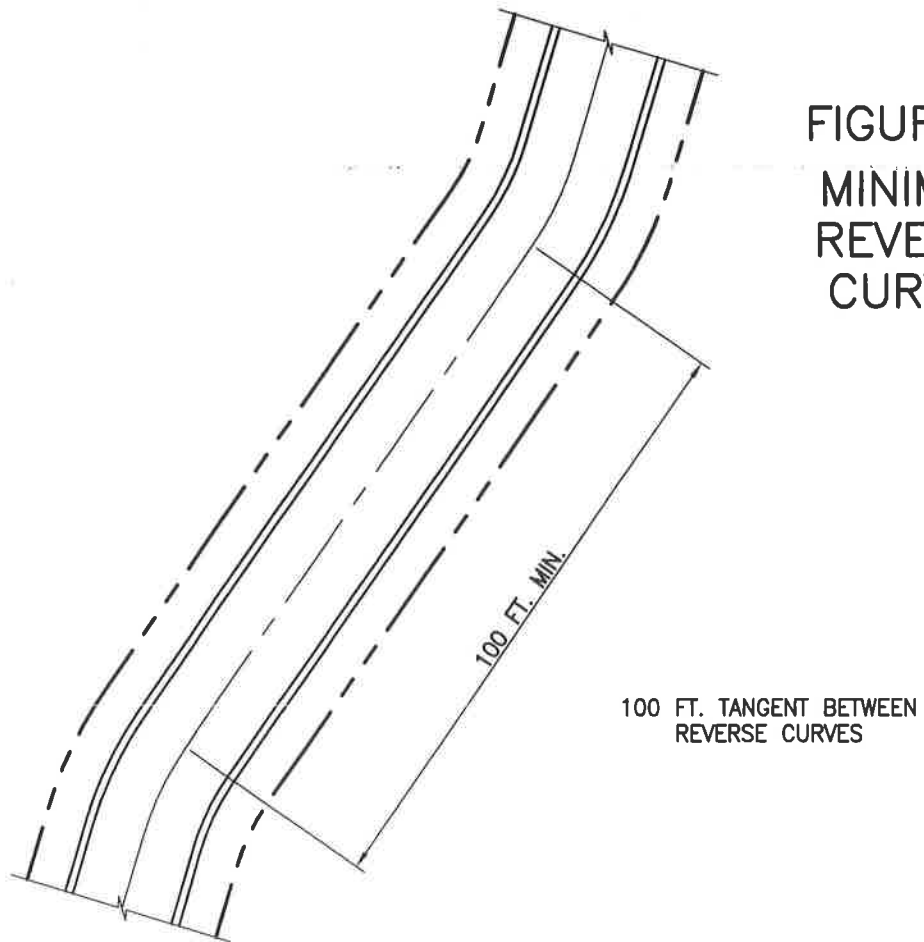
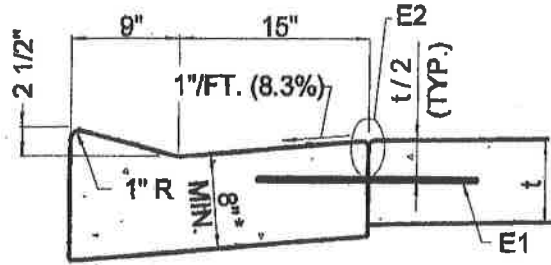
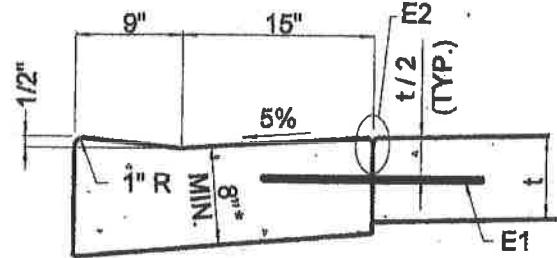


FIGURE 3 TYPICAL CURB AND GUTTER

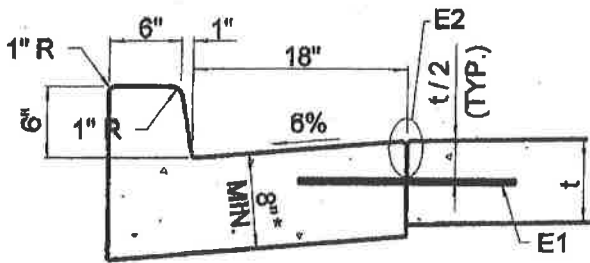
ADJACENT TO RIGID PAVEMENT



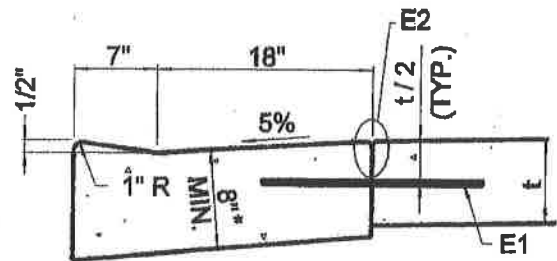
V TYPE



V TYPE: DEPRESSED FOR ADA RAMP



BARRIER TYPE



BARRIER TYPE: DEPRESSED FOR ADA RAMP

E1 = NO. 8 TIE BARS, 18" LONG AT 24" CTS. OR NO. 5 BARS, 18" LONG AT 15" CTS. (BARS SHALL BE EPOXY COATED) (NO. 8 BARS SHALL NOT BE BENT)

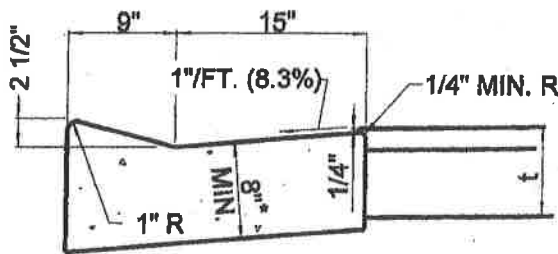
E2 = CURB MUST BE POURED SEPARATE FROM ADJOINING LANE, SAWCUT AND SEALANT NOT REQUIRED BUT EDGER MUST BE USED (1/4" MIN. RADIUS).

t = THICKNESS OF PAVEMENT

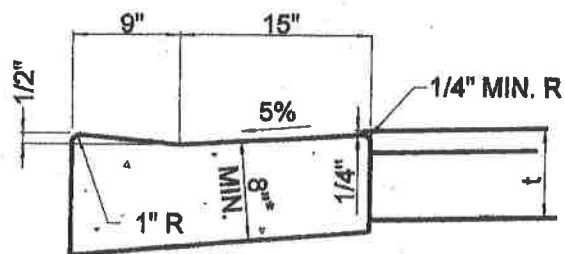
* GUTTER SHALL BE MINIMUM 8" THICK OR THICKNESS OF PAVEMENT WHICHEVER IS GREATER

CURB AND GUTTER SHALL BE CLASS "8" CONCRETE

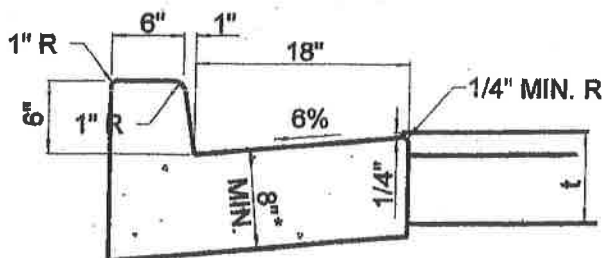
ADJACENT TO FLEXIBLE PAVEMENT



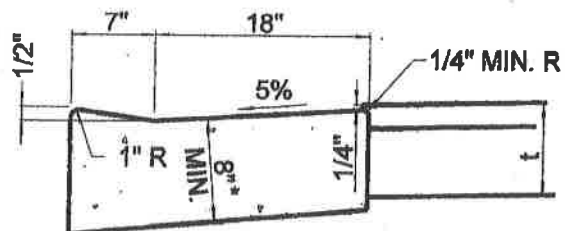
V TYPE



V TYPE: DEPRESSED FOR ADA RAMP

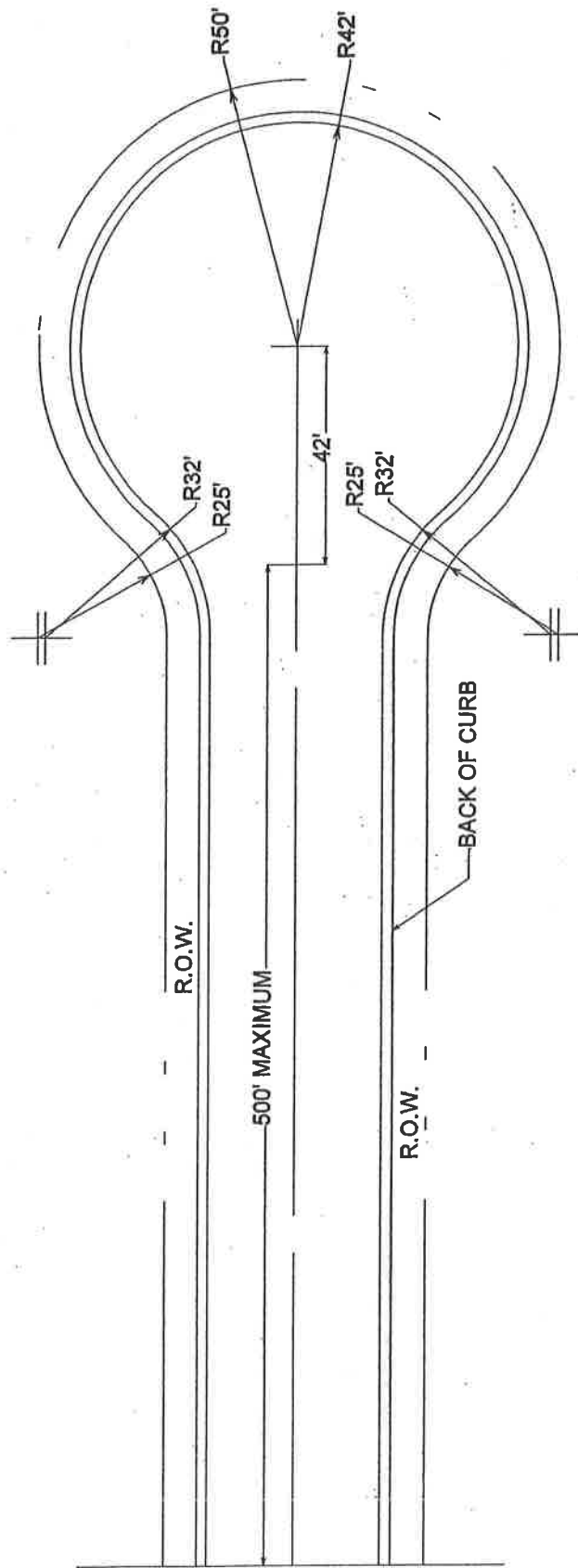


BARRIER TYPE



BARRIER TYPE: DEPRESSED FOR ADA RAMP

Figure 4

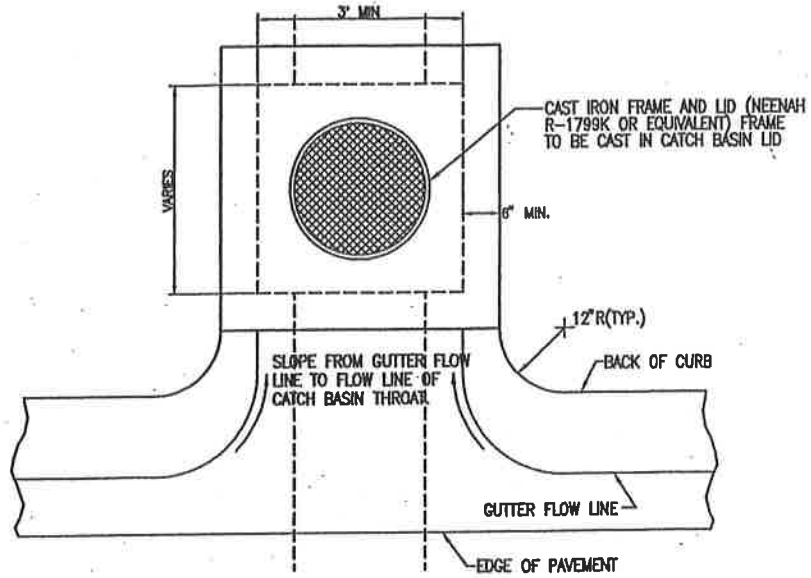


CUL-DE-SAC
DETAILS

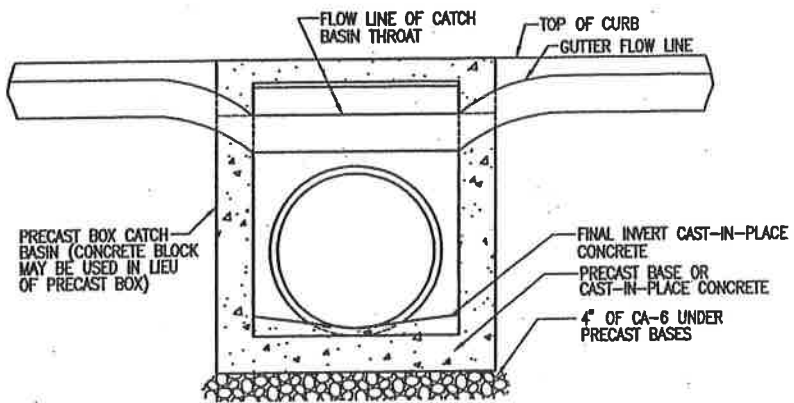
Sheet 1 of 1

STANDARD CUL-DE-SAC

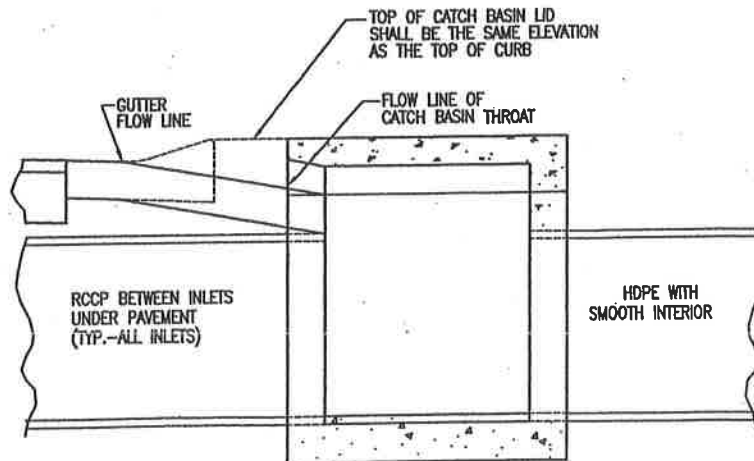
FIGURE 5
TYPICAL CURB INLET



PLAN

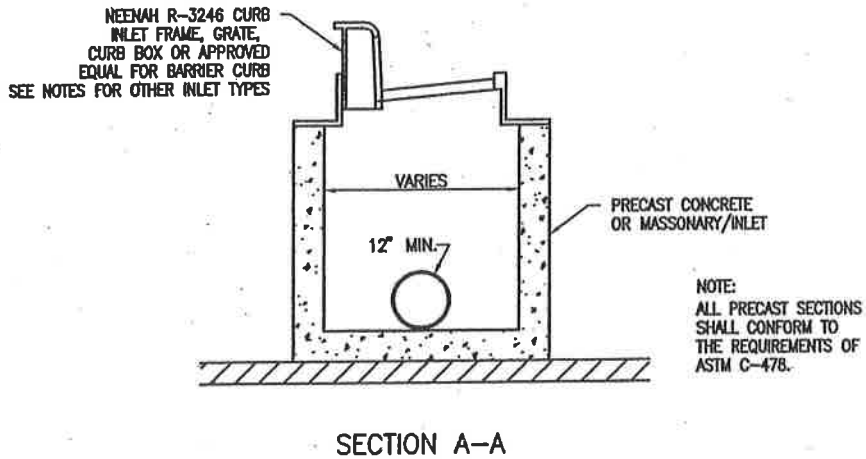
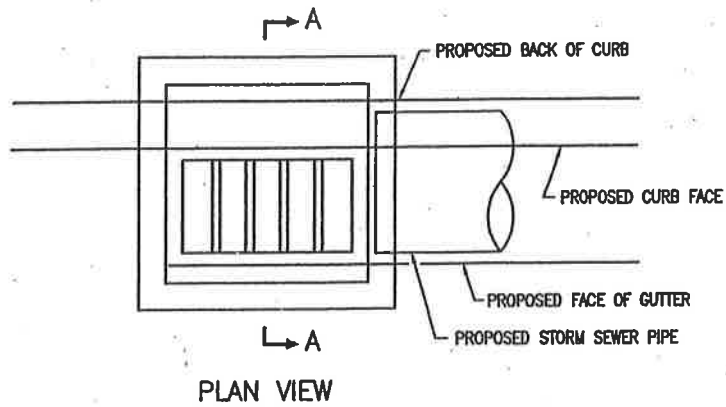


ELEVATION



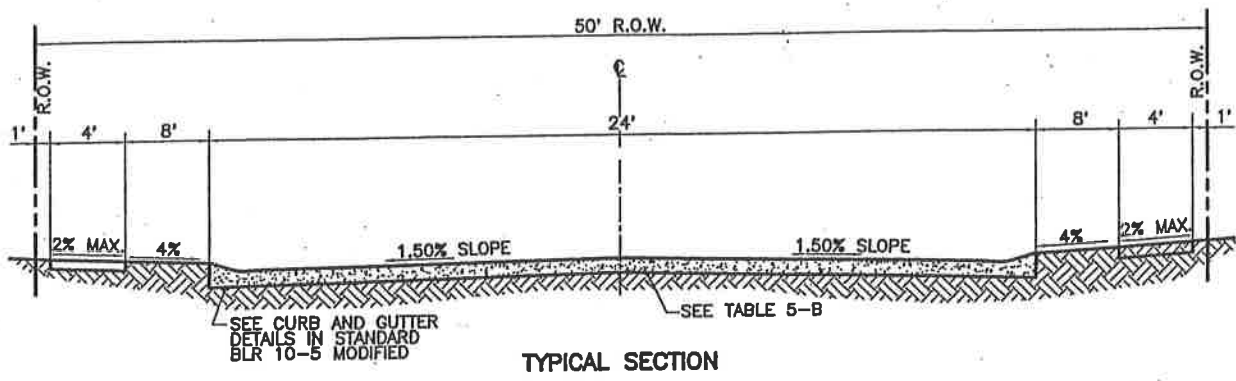
END VIEW

FIGURE 5 CONT.
TYPICAL GRATED INLET

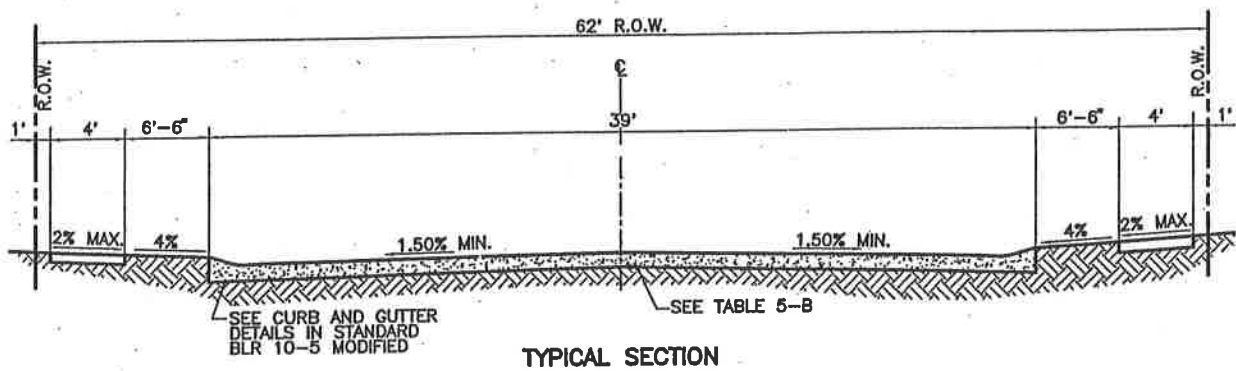


NOTES: GRATED INLET ONLY TO BE USED IN PLACE OF CURB INLET WHEN THE ROADWAY GRADIENT IS GREATER THAN 3.0%

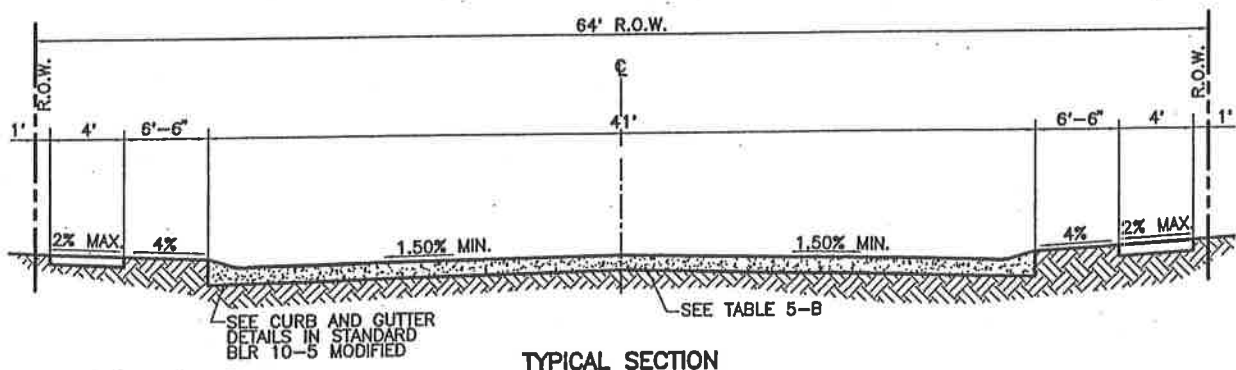
MOUNTABLE C&G TYPE: NEENAH R-3501-N INLET OR APPROVED EQUAL
VALLEY C&G TYPE: NEENAH R-3508-B INLET FRAME AND GRATE OR APPROVED EQUAL
(INLET FRAMES SPECIFIED MAY REQUIRE CONSTRUCTION OF CIRCULAR INLETS)



TYPICAL SECTION
 LOCAL STREET
 (NO PARKING)

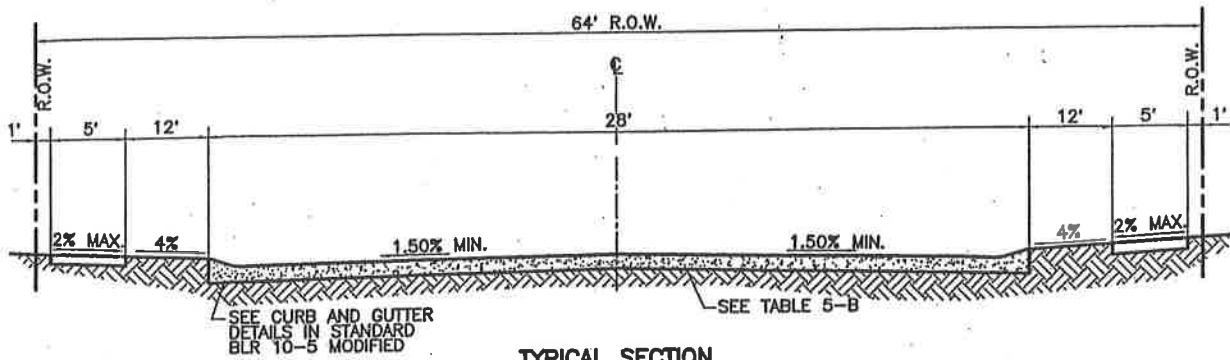


TYPICAL SECTION
 LOCAL STREET
 (PARKING BOTH SIDES)

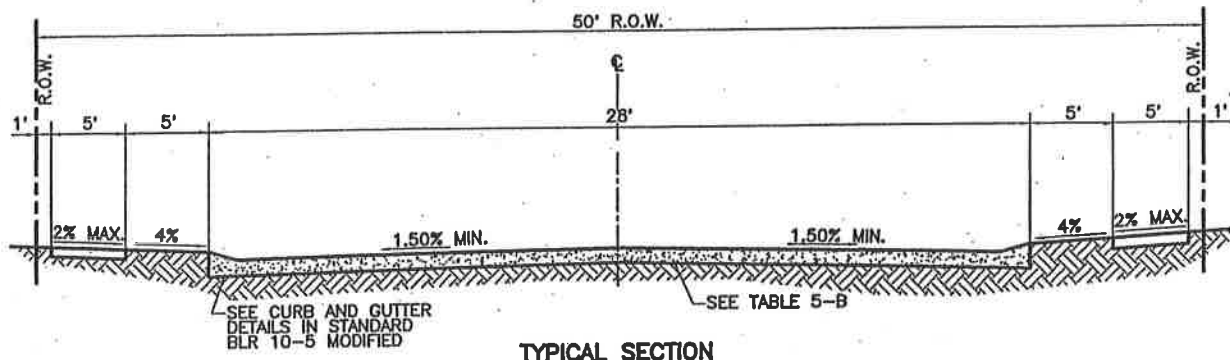


TYPICAL SECTION
 RESIDENTIAL COLLECTOR STREET

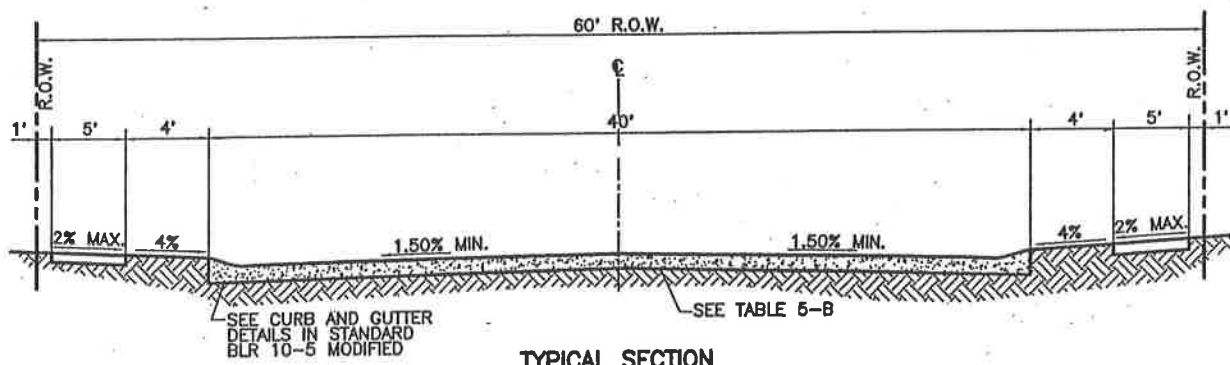
FIGURE 6



TYPICAL SECTION
ARTERIAL STREET



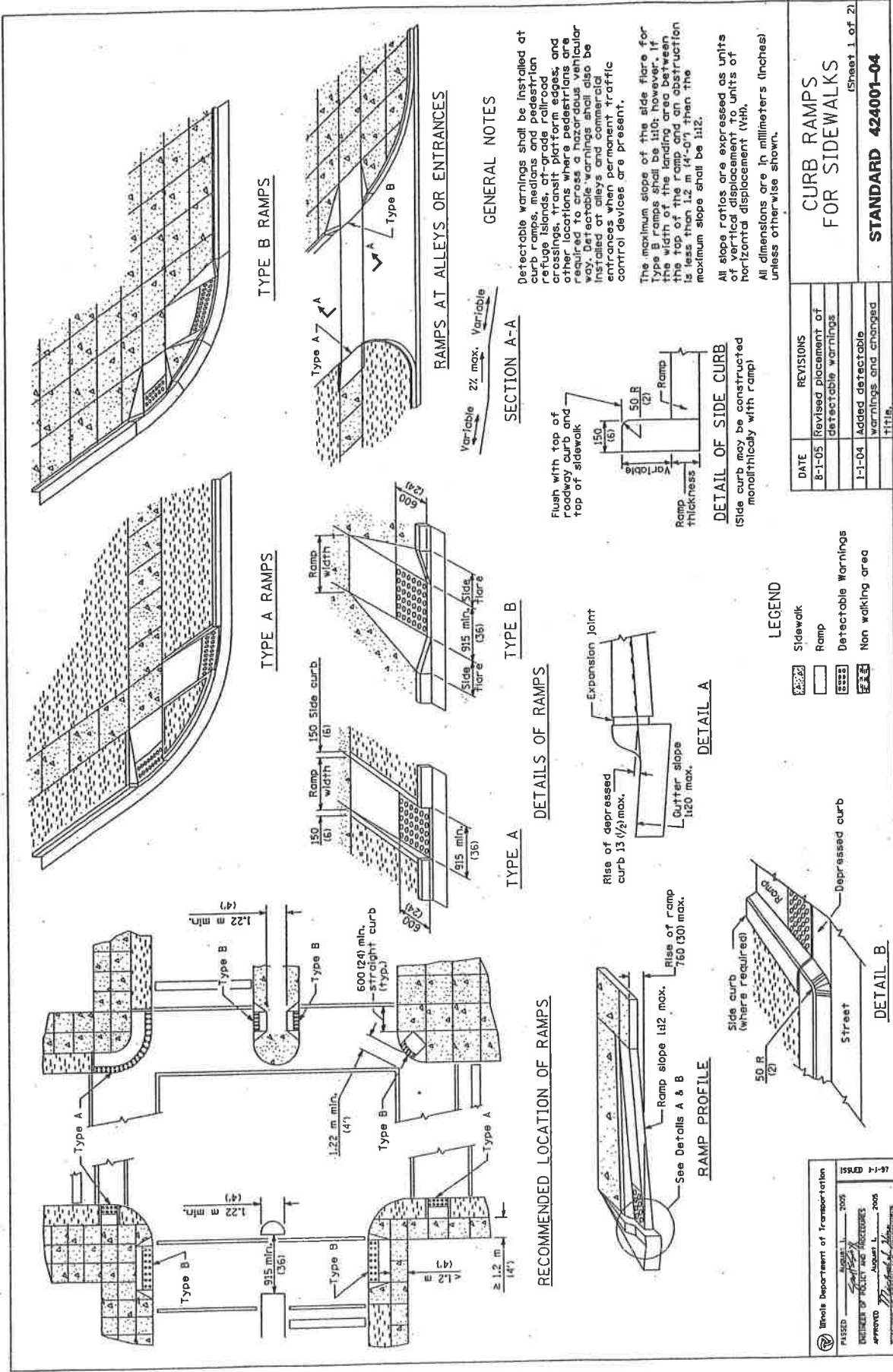
TYPICAL SECTION
COMMERCIAL AND INDUSTRIAL LOCAL STREET



TYPICAL SECTION
COMMERCIAL AND INDUSTRIAL COLLECTOR STREET

FIGURE 7

IDOT Standards 424001



Detectable warnings shall be installed at curb ramps, medians and pedestrian refuge islands, at-grade railroad crossings, transit platform edges, and other locations where pedestrians are required to cross a hazardous vehicular way. Detectable warnings shall be installed at curb ramps, medians and entrances when permanent traffic control devices are present.

The maximum slope of the side flare for Type B ramps shall be 1:10; however, if the width of the landing area between the top of the ramp and an obstruction is less than 1.2 m (4'-0") then the maximum slope shall be 1:12.

All slope ratios are expressed as units of vertical displacement to units of horizontal displacement (V:H). All dimensions are in millimeters (inches) unless otherwise shown.

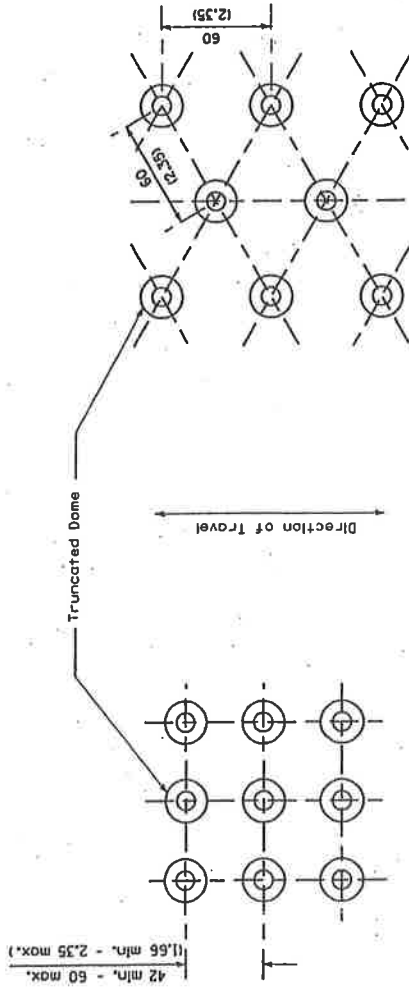
DATE	REVISIONS
8-1-05	Revised placement of detectable warnings
1-1-04	Added detectable warnings and changed title.

CURB RAMPS FOR SIDEWALKS
(Sheet 1 of 2)

STANDARD 424001-04

Whole Department of Transportation
 ISSUED 1-1-97

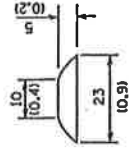
PAUSED
 August 1, 2005
 DIRECTOR OF POLICY AND PROCEDURES
 APPROVED August 1, 2005
 PROPERTY OF ILLINOIS DEPARTMENT OF TRANSPORTATION



SQUARE PATTERN
(Parallel Alignment)

TRIANGULAR PATTERN

DETECTABLE WARNINGS DETAIL



TRUNCATED DOME DETAIL

All slope ratios are expressed as units of vertical displacement to units of horizontal displacement (V/H).

All dimensions are in millimeters (inches) unless otherwise shown.

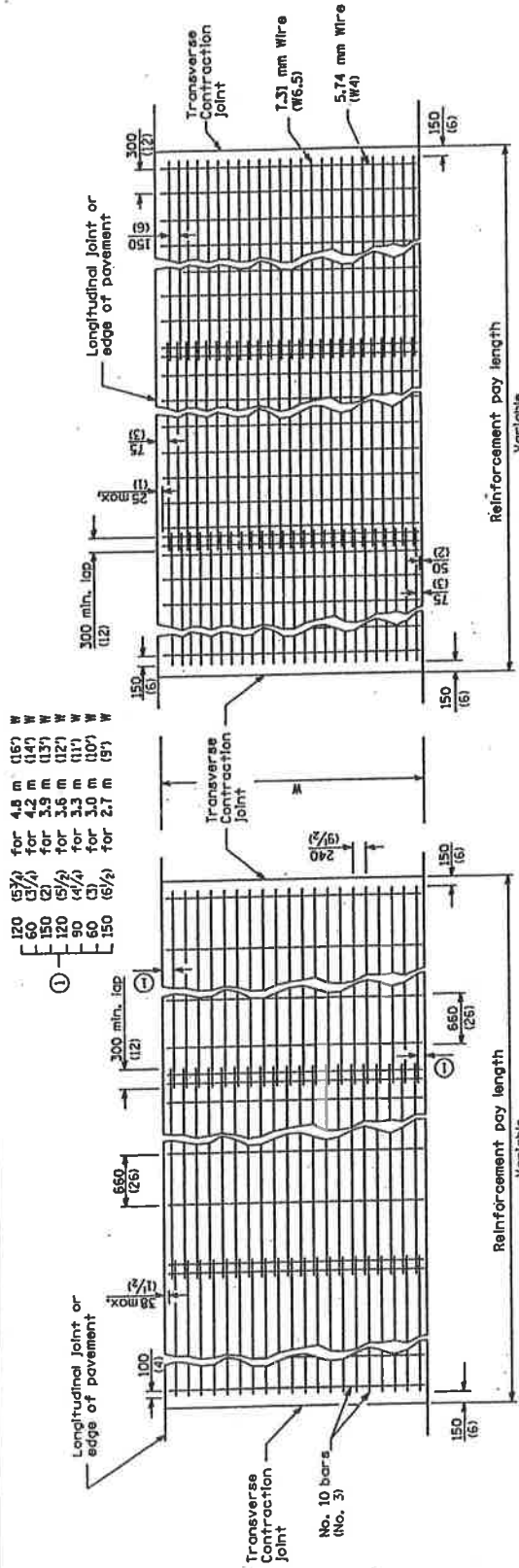
Illinois Department of Transportation PASSED ENGINEER OF PROJECT AND PROCEDURES APPROVED REGISTERED PROFESSIONAL ENGINEER	AUGUST 1, 2005 <i>[Signature]</i>	ISSUED 1-1-97
	AUGUST 1, 2005 <i>[Signature]</i>	
	AUGUST 1, 2005 <i>[Signature]</i>	
	AUGUST 1, 2005 <i>[Signature]</i>	

**CURB RAMPS
FOR SIDEWALKS**

(Sheet 2 of 2)

STANDARD 424001-04

IDOT Standards 420701



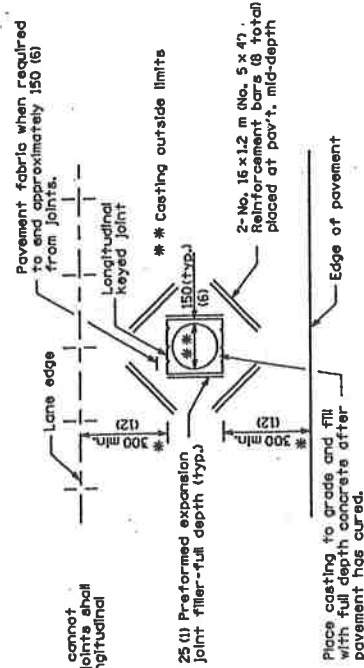
Approximately 3.07 kg/m² (63 lbs./100 sq. ft.)

TYPE A

Approximately 3.07 kg/m² (63 lbs./100 sq. ft.)
When clipped bar mats are used, each bar intersection shall be clipped with 3.14 mm (#1.7) wire.

TYPE B

* When the 300 mm (12") minimum cannot be achieved, the transverse joints shall be staggered to either the longitudinal joint or edge of pavement.



GENERAL NOTES

- Pavement block-outs shall be at least 600 mm (24") from contraction joints.
- Pavement fabric which is lapped longitudinally shall have a minimum lap of 150 mm (6").
- Pavement fabric may be positioned with the transverse wires on top or bottom of the longitudinal wires.

All dimensions are in millimeters (inches) unless otherwise shown.

DATE	REVISIONS
1-1-04	Minor corrections of joint information
1-1-97	Revised Standard 2347-5.

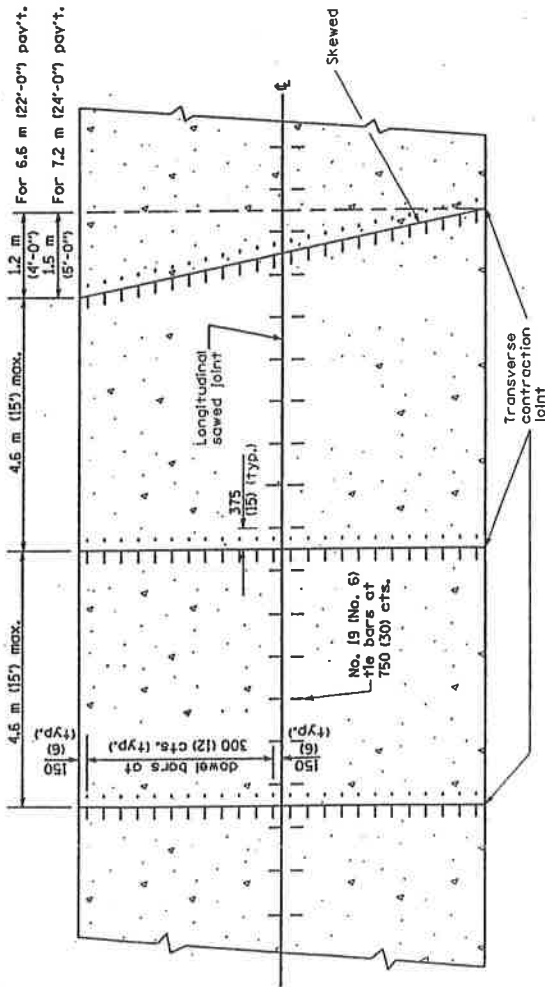
PAVEMENT FABRIC

STANDARD 420701-01

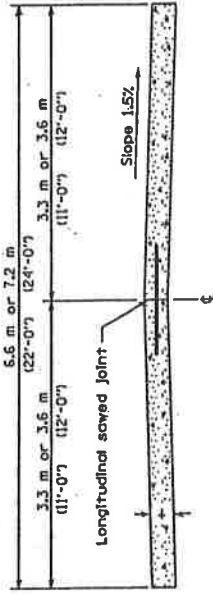
DETAIL OF ADDED REINFORCEMENT FOR PAVEMENT BLOCKS-OUTS

Illinois Department of Transportation
 ISSUED 1-1-97
 PASSED 10/27/04
 APPROVED 10/27/04
 PROJECT NO. 04-02-0000-0000
 PROJECT NO. 04-02-0000-0000

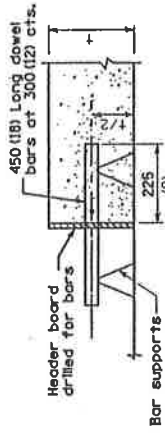
IDOT Standards B.L.R. 14-9



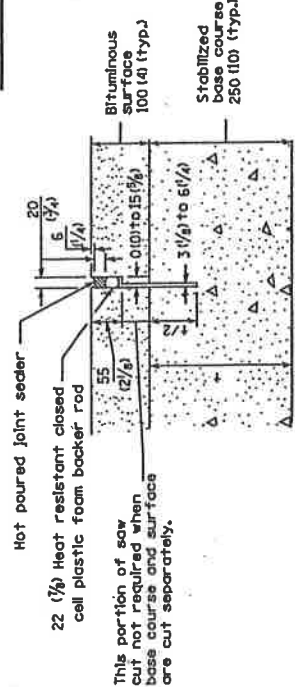
PLAN OF PAVEMENT



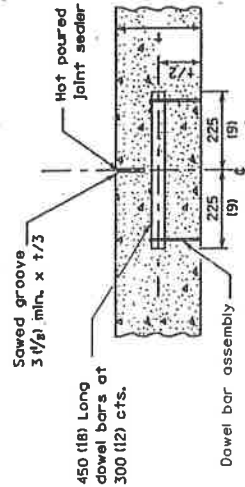
CROSS SECTION OF PAVEMENT



TRANSVERSE CONSTRUCTION JOINT



TRANSVERSE CONTRACTION JOINT
(For CAM, CFA and LFA Base Course Mixtures)



TRANSVERSE CONTRACTION JOINT

GENERAL NOTES

See Standard 420001 for details of Transverse-Expansion Joints, Longitudinal Sawed Joints and Longitudinal Construction Joints.

Skewed joints shall be used when specified by Special Provisions.

t = Pavement thickness (See Typical Cross Section)

All dimensions are in millimeters (inches) unless otherwise shown.

DOWEL BAR TABLE	
PAYEMENT THICKNESS	DOWEL BAR DIAMETER
200 (8) or greater	38 (1 1/2)
175 (7) thru 199 (7.99)	32 (1 1/4)
Less than 175 (7)	25 (1)

DATE	REVISIONS
8-1-05	Deleted sheet 2 and minor corrections to remaining joint details.
1-1-05	Minor joint corrections and revised general notes.

Illinois Department of Transportation

APPROVED: [Signature] August 1, 2005

EXCERPT FROM LOCAL ROAD AND HIGHWAYS

APPROVED: [Signature] August 1, 2005

OFFICE OF DESIGN AND CONSTRUCTION

ISSUED 1-1-97

PORTLAND CEMENT CONCRETE PAVEMENT (NONREINFORCED)

STANDARD B.L.R. 14-9

CHAPTER 36 - TAXATION

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CHAPTER 36

TAXATION

ARTICLE I - GENERALLY

36-1-1 **CORPORATE RATE.** The maximum rate for general corporate purposes of the City be and the same is hereby established at a rate of **.25%**. (See **65 ILCS 5/8-3-1**)

36-1-2 **POLICE TAX.** The maximum rate for police protection purposes of the City be and the same is hereby established at a rate of **.075%**. (See **65 ILCS 5/11-1-3**)

36-1-3 **AUDIT TAX.** The City Council may levy a "Municipal Auditing Tax" upon all taxable property in the City which will produce an amount which will equal the cost of all auditing for the City. (See **65 ILCS 5/8-8-8**)

36-1-4 **F.I.C.A. TAX.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the federal Social Security System. (See **40 ILCS 5/21-101 et seq.**)

36-1-5 **GENERAL LIABILITY.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to purchase general liability insurance for the City. (See **745 ILCS 10/9-107**)

36-1-6 **LIBRARY TAX.** The maximum tax for Library purposes, be and the same is hereby established at a rate of **.15%**. (See **75 ILCS 5/3-1 and 5/3-4**)

36-1-7 **GARBAGE TAX.** The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of **.20%**. (See **65 ILCS 5/11-19-4**)

36-1-8 **WORKMEN'S COMPENSATION TAX.** The maximum tax for Worker's Compensation and Occupational Diseases Claims purposes, be and the same is hereby established at a rate to pay for legal services, purchase insurance, purchase claim services, pay for judgments and settlements. (See **745 ILCS 10/9-107**)

36-1-9 **STREET AND BRIDGE TAX.** The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of **.06%**. (See **65 ILCS 5/11-81-1 and 5/11-81-2**)

36-1-10 **CITY PARK TAX.** The maximum tax for public park purposes be and the same is hereby established at a rate of **.10%**. (See **65 ILCS 5/11-98-1**)

36-1-11 **EMERGENCY SERVICES AND DISASTER OPERATIONS TAX.** The maximum tax for emergency services and disaster operations be and the same is hereby established at a rate of **.05%** nor more than **25¢** per capita. **(See 65 ILCS 5/8-3-16)**

36-1-12 **ILLINOIS MUNICIPAL RETIREMENT FUND TAX.** The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the I.M.R.F. program at an amount not to exceed the amount appropriated for City contributions. **(See 340 ILCS 5/7-171)**

36-1-13 **FIRE PROTECTION TAX.** The maximum rate for fire protection purposes of the City be and the same is hereby established at a rate of **.075%**. **(See 65 ILCS 5/11-7-1, 3)**

36-1-14 **UNEMPLOYMENT INSURANCE TAX.** The City Council may levy a tax upon all taxable property at whatever rate is necessary to met the costs of unemployment insurance. **(See 745 ILCS 10/9-107)**

ARTICLE II – TAXPAYERS’ RIGHTS CODE

36-2-1 **TITLE.** This Article shall be known as, and may be cited as, the “Locally Imposed and Administered Tax Rights and Responsibility Code”.

36-2-2 **SCOPE.** The provisions of this Code shall apply to the City’s procedures in connection with all of the City’s locally imposed and administered taxes.

36-2-3 **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** “Act” means the “Local Government Taxpayers’ Bill of Rights Act”.

(B) **Corporate Authorities.** “Corporate Authorities” means the City’s Mayor and City Council.

(C) **Locally Imposed and Administered Tax or “Tax”.** “Locally Imposed and Administered Tax” or “Tax” means each tax imposed by the City that is collected or administered by the City not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the City other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** “Local Tax Administrator”, the Commissioner of Finances, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) **City.** “City” means the City of Hillsboro, Illinois.

(F) **Notice.** “Notice” means each audit notice, collection notice or other similar notice or communication in connection with each of the City’s locally imposed and administered taxes.

(G) **Tax Ordinance.** “Tax Ordinance” means each ordinance adopted by the City that imposes any locally imposed and administered tax.

(H) **Taxpayer.** “Taxpayer” means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the City.

36-2-4 **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons’ last known address, or

(B) Personal service or delivery.

36-2-5 **LATE PAYMENT.** Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is:

(A) physically received by the City on or before the due date, or

(B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the City, with adequate postage prepaid.

36-2-6 **PAYMENT.** Any payment or remittance received for a tax period shall be applied in the following order:

- (A) first to the tax due for the applicable period;
- (B) second to the interest due for the applicable period; and
- (C) third to the penalty for the applicable period.

36-2-7 **CERTAIN CREDITS AND REFUNDS.**

(A) The City shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be **two (2)** years after the end of the calendar year in which payment in error was made. The City shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the City.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

- (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - (a) the name of the locally imposed and administered tax subject to the claim;
 - (b) the tax period for the locally imposed and administered tax subject to the claim;
 - (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the City.
- (2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
 - (a) grant the claim; or
 - (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **six percent (6%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-2-8 **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

- (A) Each notice of audit shall contain the following information:
 - (1) the tax;
 - (2) the time period of the audit; and

(3) a brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted within **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, **twenty (20) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

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

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

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

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

36-2-9 APPEAL.

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) the reason for the assessment;
- (2) the amount of the tax liability proposed;
- (3) the procedure for appealing the assessment; and
- (4) the obligations of the City during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within **forty-five (45) days** of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within **fourteen (14) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the **forty-five (45) day** period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

36-2-10 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-2-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

36-2-11 INTEREST AND PENALTIES. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **twelve percent (12%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to **twenty percent (20%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

36-2-12 ABATEMENT. The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

36-2-13 INSTALLMENT CONTRACTS. The City may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-2-14 STATUTE OF LIMITATIONS. The City, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

36-2-15 **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-2-16 **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

36-2-17 **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- (A) timely remove the lien at the City's expense;
- (B) correct the taxpayer's credit record; and
- (C) correct any public disclosure of the improperly imposed lien.

36-2-18 **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the City's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

36-2-19 **SEVERABILITY.** If any section, paragraph or provision of this Code 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 Code.

36-2-20 **EFFECTIVE DATE.** This Code shall be in full force and effect, after passage, approval and publication as required by law.

(Ord. No. 1315; 12-12-00)

[Supplement No. 1; 09-01-21]

ARTICLE III

FOREIGN FIRE INSURANCE COMPANIES

36-3-1 CONFORMANCE. All corporations, companies and associations not incorporated under the laws of this State which are engaged in this Municipality in effecting or soliciting fire insurance, shall pay to the City Treasurer on the **fifteenth (15th) day of July of each and every year** a sum equal to **two percent (2%)** of the gross receipts of premiums received by such corporations, associations or companies, or their agency, agent(s), for business effected or transacted for fire insurance within this City for the year preceding **July 1st**. The sum named above shall be as a tax or license fee upon all such corporations, companies or associations transacting said business within this City.

36-3-2 REQUIRED REPORTS. Every person acting as an agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the **fifteenth (15th) day of July of each and every year** render to the City Clerk a full, true, and just account, verified by oath, of all the premiums which, during the year ending on the **first (1st) day of July of each and every year** shall have been received by him, or any other person for him, in behalf of such corporation, company or association, and shall fully and specifically set out in such report the amount or amounts received as premiums for fire insurance.

36-3-3 FEES. The said agent(s) shall also at the time of making the above-mentioned report, pay to the City Treasurer the sum of **two percent (2%)** upon the gross receipts of such corporation, company or association obtained as premiums for effecting fire insurance in this City as specified in this Chapter.

36-3-4 UNLAWFUL OPERATION. If such an account be not rendered on or before the day herein specified for that purpose, or if the above mentioned rates for the tax or license fees shall remain unpaid after that day, it shall be unlawful for any such corporation, company or association to transact any business of fire insurance in this City until the requirements hereof are fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any such risk that may be taken in violation hereof.

36-3-5 FUND FOR FIRE DEPARTMENT. All sums received under the provisions of this Chapter shall form and constitute a fund to be kept separate by the City Treasurer for the maintenance, use and benefit of the Fire Department of the City. **(Chapter 35; 1975 Code)**

ARTICLE IV

MUNICIPAL UTILITY TAXES
(GAS AND ELECTRIC)

36-4-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the City and not for resale, at the rate of **five percent (5%)** of the gross receipts therefrom pursuant to **65 ILCS Sec. 5/8-11-2(2)**.

(B) 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:

(1)	First 2,000 KWH	0.5040 cents per KWH
(2)	Next 48,000 KWH	0.3305 cents per KWH
(3)	Next 50,000 KWH	0.2975 cents per KWH
(4)	Next 400,000 KWH	0.2892 cents per KWH
(5)	Next 500,000 KWH	0.2809 cents per KWH
(6)	Next 2,000,000 KWH	0.2644 cents per KWH
(7)	Next 2,000,000 KWH	0.2603 cents per KWH
(8)	Next 5,000,000 KWH	0.2561 cents per KWH
(9)	Next 10,000,000 KWH	0.2520 cents per KWH
(10)	Over 20,000,000 KWH	0.2479 cents per KWH

The tax rates set forth in the preceding table will be used at least through **December 31, 2008**, are proportional to the rates enumerated in **65 ILCS Sec. 5/8-11-2** (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during **1997** using the rates enumerated in **65 ILCS Sec. 5/8-11-2** (as modified by Public Act 90-561).

Pursuant to **65 ILCS 5/8-11-2**, the rates set forth in subsection (A) above shall be effective: (1) upon approval by the Illinois Commerce Commission for residential customers, or (2) the date of the first bill issued pursuant to **220 ILCS Sec. 5/16-104**, for nonresidential customers.

(C) The provisions of **Section 36-4-1(B)** shall not be effective until approved by the Illinois Commerce Commission.

36-4-2 EXEMPTION. None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which such business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the "**Municipal Retailers' Occupation Tax Act**" authorized by Section 8-11-1 of the Illinois Municipal Code; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless such tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the Village, whether privately or municipally owned or operated, or exercising the same privilege within the Municipality. All accounts of the City shall be exempt from the taxes imposed by this ordinance. (**Ord. No. 1634; 11-24-15**)

36-4-3 ADDITIONAL TAXES. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

36-4-4 **COLLECTION.** The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the Municipality by such person delivering the electricity. 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. Persons delivering electricity who file returns pursuant to this paragraph shall, at the time of filing such return, pay the Municipality the amount of the tax collected pursuant to this Article.

36-4-5 **REPORTS TO MUNICIPALITY.** On or before the last day of each month, each taxpayer shall make a return to the City for the preceding month stating:

- (A) His name.
- (B) His principal place of business.
- (C) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (D) Amount of tax.
- (E) Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

36-4-6 **CREDIT FOR OVERPAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

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

36-4-7 **PENALTY.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article 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 due. **(See 65 ILCS Sec. 5/8-11-2)**

36-4-8 **REVERSION.** Should the use tax or electric deregulation law be successfully challenged in a court of law and invalidated in whole or in part effectively making the rate structures of **Section 36-4-1(B)** invalid, the Council wishes to provide the necessary language to revert to a gross

receipts tax on electricity upon such happening, without further action of the Council. Therefore, should such circumstance arise, the following paragraph shall replace **Section 36-4-1(B), (C) and (D)**:

“(B) Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the City and not for resale, at the rate of **five percent (5%)** of the gross receipts therefrom.”

(Ord. No. 1325; 04-06-01)

ARTICLE V – SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

36-5-1 **DEFINITIONS.** As used in this Chapter, the following terms shall have the following meanings:

(A) **"Amount Paid"** means the amount charged to the taxpayer's service address in this municipality regardless of where such amount is billed or paid.

(B) **"Department"** means the Illinois Department of Revenue.

(C) **"Gross Charge"** means the amount paid for the act or privilege of originating or receiving telecommunications in this municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within this municipality and charges for the portion of the inter-office channels provided within this municipality. Charges for that portion of the inter-office channel connecting **two (2)** or more channel termination points, one or more of which is located within the jurisdictional boundary of this municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

- (1) any amounts added to a purchaser's bill because of a charge made pursuant to:
 - (a) the tax imposed by this 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 intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.
- (4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.
- (5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity.
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly

owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).
- (8) charges paid by inserting coins in coin-operated telecommunications devices.
- (9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.
- (10) Charges for nontaxable services or telecommunications if:
 - (a) those charges are aggregated with other charges for telecommunications that are taxable,
 - (b) those charges are not separately stated on the customer bill or invoice, and
 - (c) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business.

If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) **"Interstate Telecommunications"** means all telecommunications that either originate or terminate outside this State.

(E) **"Intrastate Telecommunications"** means all telecommunications that originate and terminate within this State.

(F) **"Person"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) **"Purchase at Retail"** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) **"Retailer"** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) **"Retailer maintaining a place of business in this State"**, or any like term, means and includes any retailer having or maintaining within the State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its

subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) **"Sale at Retail"** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) **"Service address"** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) **"Taxpayer"** means a person who individually or through his or her agents, employees, or permittees, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **"Telecommunications"**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

36-5-2 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED. A tax is hereby imposed upon any and all of the following acts or privileges:

(A) The act or privilege of originating in the City or receiving in the City intrastate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this Section, any taxpayer, upon proof

that the taxpayer has paid a tax in another state or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state or such tax properly due and paid in a municipality in this State which was not previously allowed as a credit against any other state.

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

36-5-3 COLLECTION OF TAX BY RETAILERS.

(A) The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

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

36-5-4 RETURNS TO DEPARTMENT. On or before the last day of **February 2013**, and on or before the last day of every month thereafter, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (**35 ILCS 636/5-50**) and any accompanying rules and regulations created by the Department to implement this Act.

36-5-5 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

(Ord. No. 1569; 08-14-12)

CHAPTER 37 – TAX INCREMENT FINANCE

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CHAPTER 37

TAX INCREMENT FINANCE

ARTICLE I – INTERESTED PARTIES REGISTRY REGISTRATION RULES

37-1-1 **DEFINITIONS.** As used in these Registration Rules, the following terms shall have the definitions set forth below.

"Act" shall mean the Tax Increment Allocation Redevelopment Act **65 ILCS 5/11-74.4-1 et seq.** as amended from time to time.

"City" shall mean the City of Hillsboro, a unit of government under Section 6(a) Article VII of the 1970 Constitution of the State of Illinois.

"Interested Party(s)" shall mean (a) any organization(s) active within the City (b) any resident(s) of the City, and (c) any other entity or person otherwise entitled under the Act to register in a specific Registry who has registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.

"Redevelopment Project Area" shall mean a redevelopment project area that (a) is intended to qualify (or has subsequently qualified) as a "redevelopment project area" under the Act and (b) is subject to the "interested parties" registry requirements of the Act.

"Registration Form" shall mean the form appended to these Registration Rules or such revised form as may be approved by the City consistent with the requirements of the Act.

"Registry" or "Registries" shall mean each interested parties registry, and all such registries, collectively, established by the City pursuant to Section 5/11-74.4-4.2 of the Act for the Redevelopment Project Area.

37-1-2 **ESTABLISHMENT OF REGISTRY.** The City shall establish a separate interested parties registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Rules or hereafter established. The City shall establish a new registry whenever it has identified an area for study and possible designation as a Redevelopment Project Area. In any event the process of establishing the new registry must be completed prior to the deadline for sending any of the notices required by **Section 37-1-10** of these rules or any other notices required by the Act with respect to the proposed Redevelopment Project Area.

37-1-3 **MAINTENANCE OF REGISTRY.** The Registries shall be maintained by the City Clerk or the Clerk's designee. In the event the City determines that someone other than the Clerk should maintain the Registries, the City may transfer the responsibility for maintaining the Registries to such other Department provided that the City (i) gives prior written notice to all Interested Parties not less than **thirty (30) days** prior to such transfer and (ii) publishes notice of such transfer in a newspaper of general circulation in the City.

37-1-4 **REGISTRATION BY RESIDENTS.** An individual seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit

a Registration Form to the City Clerk. Such individual must also submit a copy of a current driver's license, lease, utility bill, financial statement or such other evidence as may be acceptable to the Clerk to establish the individual's current City residency.

37-1-5 REGISTRATION BY ORGANIZATIONS. An organization seeking to register as an Interested Person with respect to a Redevelopment Project Area must complete and submit a Registration Form to the City Clerk. Such organization must also submit a copy of a one-page statement describing the organization's current operations in the City.

37-1-6 DETERMINATION OF ELIGIBILITY. All individuals and organizations whose Registration Form and supporting documentation comply with these Registration Rules shall be registered in the applicable Registry within **ten (10) business days** of the City Clerk's receipt of all such documents. The Clerk shall provide written notice to the registrant confirming such registration. Upon registration Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the City Clerk determines that a registrant's Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.

37-1-7 RENEWAL AND TERMINATION. An Interested Person's registration shall remain effective for a period of **three (3) years**. At any time after such **three (3) year** period the City Clerk may provide written notice by regular mail to the Interested Person stating that such registration shall terminate unless the Interested Person renews such registration within **thirty (30) days** of the Clerk's mailing of written notice. To renew such registration, the Interested Person shall, within such **thirty (30) day period**, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit the Clerk to confirm such person's residency or such organization's operations in the City. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Regulation Rules shall be renewed for an additional, consecutive **three (3) year period**. If the City Clerk determines that a registrant's renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within **thirty (30) days** of receipt of the Clerk's notice. If all defects are not corrected within **thirty (30) days** of the Interested Person's receipt of the City Clerk's notice, the Interested Person's registration shall be terminated. Any Interested Person whose registration is terminated shall be entitled to register again as if a first-time registrant.

37-1-8 AMENDMENT TO REGISTRATION. An Interested Party may amend its registration by giving written notice to the City Clerk by certified mail of any of the following:

(A) a change in address for notice purposes;

- (B) in the case of organizations, a change in the name of the contact person;
- and
- (C) a termination of registration.
- Upon receipt of such notice, the Clerk shall revise the applicable Registry accordingly.

37-1-9 **REGISTRIES AVAILABLE FOR PUBLIC INSPECTION.** Each Registry shall be available for public inspection during normal City business hours. The Registry shall include the name, address and telephone number of each Interested Person and for organizations, the name and phone number of a designated contact person.

37-1-10 **NOTICES TO BE SENT TO INTERESTED PARTIES.** Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:

(A) Pursuant to subsection 5/11-74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information, such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan.

(B) Pursuant to subsection 5/11-74.4-5(a) of the Act, notice of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of inhabited residential units to be displaced from the redevelopment project area, as measured from the time of creation of the redevelopment project area, to a total of more than **ten (10)** (low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed **ten (10)**); such notice shall be sent by mail not later than **ten (10) days** following the City's adoption by ordinance of such changes.

(C) Pursuant to subsection 5/11-74.4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not: (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than **five percent (5%)** after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan or (6) increase the number inhabited residential units to be displaced from the redevelopment project area, as measured from the time of creation of the redevelopment project area, to a total of more than **ten (10)**, (of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed **ten (10)**); such notice shall be sent by mail not later than **ten (10) days** following the City's adoption by ordinance of any such amendment.

(D) Pursuant to subsection 5/11-74.4-5(d)(9) of the Act for redevelopment plans or projects that would result in the displacement of residents from **ten (10)** or more inhabited residential units or that contain **seventy-five (75)** or more inhabited residential units, notice of the availability of the annual report described by subsection 5/11-74.4-5(d),

including how to obtain the annual report; such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report.

(E) Pursuant to subsection 5/11-74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of **ten (10)** or more inhabited residential units or which will contain **seventy-five (75)** or more inhabited residential units; such notice shall be sent by certified mail not less than **fifteen (15) days** before the date of such preliminary public meeting.

37-1-11 **NON INTERFERENCE.** These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.

37-1-12 **AMENDMENT OF REGISTRATION RULES.** These Registration Rules may be amended by the City subject to and consistent with the requirements of the Act.

**(See 65 ILCS Sec. 5/11-74.4-4.2)
(Ord. No. 1577; 04-09-13)**

CITY OF HILLSBORO

TIF INTERESTED PARTIES REGISTRATION FORM

Registration for City Residents: If you are a City of Hillsboro resident, and would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) redevelopment project areas, please complete **Part A** of this form. Proof of residency is required. Please attach to this form a photocopy of one of the following: Driver's License, lease, utility bill, financial statement, or such other evidence as may be suitable to establish your current municipal residency.

Registration for Organizations: If your organization is active in the City of Hillsboro, and would like to register on the Interested Parties Registry for one or more tax increment financing (TIF) redevelopment project areas, please complete **Part B** of this form. Please attach a one-page statement which describes the organization's current operations in the municipality. Note: existing organizational documents that provide this information will also be accepted.

PART A: CITY RESIDENT REGISTRATION (Please Print)

Name:

Street Address:

City State Zip:

Home Telephone:

I have attached a copy of _____ as proof that I am a resident of the City of Hillsboro as of the date of this form.

Please list the TIF(s) you are interested in below:

Signature _____

Date _____

Please return this form to:

TIF Interested Parties Registry
City Clerk – City of Hillsboro
447 S Main St
Hillsboro, IL 62049

PART B: ORGANIZATION REGISTRATION (Please Print)

Organization Name:

Contact Name:

Street Address:

City State Zip:

Phone Number:

Check here _____ if a statement describing your organization's current operations in the City of Hillsboro is attached.

Please list the TIF(s) you are interested in below:

Signature _____ Date _____

Title _____

Please return this form to:

TIF Interested Parties Registry
City Clerk – City of Hillsboro
447 S Main St
Hillsboro, IL 62049

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CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be a department of the City known as the Water and Sewer Department. It shall be assigned to and under the jurisdiction of the Department of Streets and Public Improvements. The designated office shall be in the City Hall. **(Ord. No. 1529; 06-14-11)**

38-1-2 **DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.** The Commissioner of the Department of Streets and Public Improvements shall exercise a general supervision over the affairs of the Water and Sewer Department. He shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department. **(Ord. No. 1529; 06-14-11)**

38-1-3 **SUPERINTENDENT OF WATER AND SEWER.** The Superintendent of Water and Sewer shall be subject to the supervision of the Commissioner of Streets and Public Improvements. The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council and shall hold his office until his successor shall be appointed and qualified. He shall receive such salary as may be provided by resolution of the Council at the time of his appointment. **(Ord. No. 1529; 06-14-11)**

38-1-4 **DUTIES OF SUPERINTENDENT.** It shall be the duty of the Superintendent to manage and control all aspects of the Water and Sewer Department.

38-1-5 **SEPARATE SYSTEMS.** The waterworks and sewerage systems of the City are declared to be separate systems.

(A) **Water.** The waterworks system in its entirety, including mains, hydrants, meters, valves, standpipes, storage tanks, pump tanks, intakes, impounding reservoirs, pumps, machinery, purification plant, and all other elements useful in connection with a water supply or water distribution system shall be maintained and operated as a separate utility system. **(#676; 04-08-63)**

(B) **Sewer.** The sewerage system, in its entirety, including the sewerage treatment plant, collecting, intercepting, and outlet sewers, lateral sewers and drains, and all other appurtenances, extensions and improvements necessary, useful or convenient for the collection, treatment and disposal in a sanitary manner of sewerage and industrial waste shall be maintained and operated as a separate utility system. **(#714; 10-11-66)**

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR UTILITIES SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage systems; and every person, company or corporation, hereinafter called a "**customer**", who accepts and uses City water and sewer services shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the Department shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypass any meter shall be guilty of violating this Code and upon conviction, shall be fined a sum as provided in **Chapter 1, Article I** of this Code.

(D) **Removal of Meters.** All meters shall remain the property of the Department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent or employee(s) herein prohibited, or upon failure to comply with any other rules and regulations of the Department, such service shall be disconnected.

(E) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction for such act, be fined as provided in **Chapter 1, Article I** of this Code.

(F) **Service Obtained by Fraud.** All contracts for water and sewer services must be made in the name of the head of the household, firm or corporation, using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment, as may be necessary to satisfy the unpaid obligation, shall be retained by the City and credited to the appropriate account.

(G) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following bill shall include the charges for services used during the unbilled month.

(H) **Request to Discontinue Services.** Services shall have been deemed to have been supplied to any property connected to the water and sewer systems during a month unless the customer notifies the City prior to the **first (1st) day** of the new billing month in which the services are to be discontinued.

(I) **Billing; Utility Shut-off; Hearing.**

(1) All bills shall be payable upon presentation. If a bill is not paid by the **fifteenth (15th) day** of the month or within **fifteen (15) days** of the date the bill is presented, whichever is later, a penalty equal to **fifteen percent (15%)** of the amount due on the bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the utility services. (**#1719; 10-12-22**)

(2) Any customer who fails to pay the utility bills within **thirty (30) days** of presentation shall have the utility services disconnected after a written notice by the City Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity to request a hearing. The notice shall specifically advise the customer of the following:

- (a) Name and address of the consumer and the amount of the bill.
- (b) That the consumer has a right to be heard and has until the scheduled termination to present evidence in his behalf of the City Hall if he does not agree with the bill. **(Ord. No. 1720; 10-26-21)**
- (c) The date of termination.
(Ord. No. 1719; 10-12-21)

[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]

- (3) If the consumer who has been notified for nonpayment of utility bills is not the owner of record, then the City shall notify the owner of the property by first-class mail.
- (4) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Forty Dollars (\$40.00)** for each disconnection and reconnection of such utility services, plus expenses incurred in the reconnection of the utility services.
- (5) If a customer is seeking to have service connected or disconnected that are not tied to a delinquent account, the charge to connect and disconnect those accounts will be **Twenty-Five Dollars (\$25.00)** for each service.

(Ord. No. 1719; 10-12-21)

(J) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the City Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, then the notice shall be mailed to the owner of the premises if his address is known to the City Clerk whenever such bill remains unpaid for a period of **sixty (60) days** after it has been rendered.

The failure of the City Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein. **(See 65 ILCS 5/11-139-8)**

(K) **Foreclosure of Lien.** Property subject to a lien for unpaid utility 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 is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City.

The City Attorney is hereby authorized to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **sixty (60) days** after it has been rendered. **(See 65 ILCS 5/11-139-8)**

38-2-2 **CONSUMER LISTS.** It is hereby made the duty of the City Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 **LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City. **(See 1975 Code, Sec. 7.12g) (#1017; 01-10-84)**

38-2-4 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the City Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the City Council reserves the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-6 **UTILITY DEPOSITS.**
 (A) **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, all applicants who are not property owners for which the service is requested shall deposit with the application the amount of **One Hundred Fifty Dollars (\$150.00)** prior to water service being turned on. **(Ord. No. 1720; 10-26-21)**

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. **(Ord. No. 1720; 10-26-21)**

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer facilities shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant and/or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit. **(Ord. No. 1015; 09-27-83)**

38-2-7 **UTILITY REBATE FOR NEW BUSINESSES.**
 (A) **Rebate.** The City may offer to any new business located within the City a rebate of up to **Two Hundred Fifty Dollars (\$250.00)** for utility charges paid by such new water customer. The Commissioner with charge, control, and supervision of the Water Department is authorized to adopt additional guidelines, rules, and procedures governing the rebate incentive offered by this Section.

(B) **Applications.** Water customers desiring a rebate as authorized by this Section shall complete and submit an application therefor in the manner and form approved by the Commissioner with charge, control, and supervision of the Water Department, who may further require the applicant to provide copies of applicable Illinois Retailers' Occupation Tax returns and such further and other documentation and information as may be required to fully consider the application.

(C) **Ineligible Applicants.** The following applicants shall be ineligible for the rebate incentive offered by this Section:

- (1) Any water customer that conducted business within the City prior to **September 27, 2022;**
- (2) Any water customer who has not timely paid in full all utility charges prior to the rebate being approved;
- (3) Any water customer that is in violation of, or which is found to have previously violated, any City ordinances; and
- (4) Any water customer that is in arrears in the payment of utilities, a tax, or other indebtedness due to the City.

If the water customer is not a natural person, then the water customer shall be ineligible if any officer, manager, or director of the water customer, or if any person owning in the aggregate more than a **five percent (5%)** interest in such water customer, would be ineligible had that officer, manager, director, or owner applied in that person's individual name.

In addition, rebates shall not be allowed for any location that is in primarily residential use, including "home occupations" as defined in **Chapter 40** of this Code.

(D) **Consideration of Applications.** Completed applications shall be presented to the City Council for approval or denial.

(E) **Source of Rebate Funds.** All rebates as provided for in this Section shall be payable from an account in the General Fund and shall be subject to the limits of a General Fund appropriation.

(Ord. No. 1743; 11-01-22)

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

- (A) **Federal Government.**
- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
 - (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
- (B) **State Government.**
- (1) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.
 - (2) **"Director"** means the Director of the Illinois Environmental Protection Agency.
 - (3) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.
- (C) **Local Government.**
- (1) **"Approving Authority"** means the City Council of the City of Hillsboro or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.
- (D) **"Person"** shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.
- (F) **Water and Its Characteristics.**
- (1) **"ppm"** shall mean parts per million by weight.
 - (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
 - (3) **"PH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.
- (G)
- (1) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
 - (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.
 - (3) **"Service Box"** shall mean a valve box used with corporation or curb cock.
- (H) **Types of Charges.**
- (1) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
 - (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.

- (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.
- (4) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.
- (5) **"Capital Improvement Charge"** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) **"Local Capital Cost Charge"** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.
- (7) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) **"Useful Life"** shall mean the estimated period during which the water works will be operated.
- (9) **"Water and Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the water system.

38-3-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Article IV for fees.) (Ord. No. 638; 11-23-59) (1975 Code; Sec. 7.07)**

38-3-3 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Superintendent. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

Upon the installation of the meter and appurtenances, the consumer shall be responsible for the care and protection of the same and shall be charged all costs for repair and replacement of the same resulting from his failure to properly protect or care for such meter and equipment. **(Ord. No. 980; 01-26-82)**

38-3-4 SPECIFICATIONS. For water services, the City shall specify the requirements for materials, construction and installation in all matters and at all locations, including the size, kind, type and condition of the water piping to which connection shall be made and it is the duty of the Superintendent to determine that specifications are followed before accepting or connecting to any new work.

38-3-5 WATER CONNECTION REQUIREMENTS. The City reserves the right, through its Water Superintendent, to select and specify the kind, make, type and size of any and all materials and appliances used for services as well as the installation of the City supplied **three-fourths inch (3/4")** water meter. As new materials become available and the plumbing industry standards continue to change, Heavy Wall Roll Poly Flex Plastic or PVC, may be used only when rated no less than 250 psi. All non-metallic water service shall be installed using a Copper Tracer Wire. At present, in no case shall a Service Line be used which is less than **three-fourths inch (3/4")** inside diameter. All water customer service lines shall be considered

as only the pipe which extends from the curb stop or from the personal property line, whichever is closest to the City water main for all homes and businesses it serves. **(Ord. No. 1722; 12-14-21)**

38-3-6 **METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus, or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-7 **CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The City 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 concentration of water in any part of the City in case of fire, and for restricting the use of water in case of deficiency in supply. No claim shall be made against the City by reason of the 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 Waterworks 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 shown above.

38-3-8 **RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

38-3-9 **DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which shall be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-10 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electrical ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected **five (5) days after notice**, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-11 **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water and Sewer Department on a form provided by the Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charges for the use and connection of the meter shall be prescribed by the Superintendent of the Water and Sewer Department. **(See 1975 Code; Sec. 7.07c)**

38-3-12 FIRE HYDRANTS.

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the City Limits, shall be owned, maintained and used only by the City and shall be solely responsible for the same. Use of water from fire hydrants by contractors and others shall be only upon permission by the City and after approved application to the City.

(B) The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the City Limits owned by the City shall be maintained in as good order as reasonably possible, but the City shall not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

38-3-13 LAWN WATERING. The right is reserved to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens whenever, in the opinion of the City, public exigencies require it.

(A) During the period from **May 15** each year to **September 15** each year watering lawns or gardens with sprinklers or fountains shall be permitted only from the hours of **6:00 A.M.** to **9:00 A.M.** and from **6:00 P.M.** to **9:00 P.M.** Watering shall only be permitted on even number days for homes and businesses whose street address is an even number and on odd numbered days for homes and businesses whose street address is an odd number. When replacing sod or newly seeded lawns a permit may be issued by the Public Works Department allowing watering for up to **eight (8) hours** on the first day and watering from **6:00 A.M.** to **9:00 A.M.** and **6:00 P.M.** to **9:00 P.M.** for the next **nine (9) days**. In no event shall anyone watering the lawn or garden use enough water to permit the water to runoff into the street, ditches, gutters or drains.

The fine for anyone violating this Section shall be a minimum of **Fifty Dollars (\$50.00)** and a maximum of **Five Hundred Dollars (\$500.00)** with any second or subsequent offense a minimum of **One Hundred Dollars (\$100.00)** and a maximum of **Five Hundred Dollars (\$500.00)**. **(Ord. No. 1416; 2005)**

38-3-14 SHORTAGE AND PURITY OF SUPPLY. The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-15 LIMIT AMOUNT OF USE. If, at any time, there is a deficiency in the supply of water, the City may declare that an emergency exists and place a restriction on the amount of water a customer may use and purposes for which it may be used during the time of such emergency.

38-3-16 **DEDUCTIONS AND REBATES.** No deductions or rebates shall be made to any water customer because of a water leak in his water line, tank, or other appurtenance. The amount of water registered by an operating meter shall be charged to the customer and paid in full as provided in **Article II** of this Chapter. **(Ord. No. 980)**

38-3-17 **NONCOMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as a rule provided within a reasonable time, the City shall have a right to discontinue service. Except in case of nonpayment, emergency, necessity or as otherwise provided, the City shall not discontinue service for a violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

Neither the Superintendent nor his or her designee shall be liable to any customer for any injuries or damages that may result from the disconnection of the water supply. Water service shall not be restored until the owner or custodian of the property has corrected or eliminated the condition or defect in the public water supply system has been inspected in the correction improve by the Superintendent or his or her designee. The owner or custodian of the property shall bear the cost of the correction and cleanup of the water supply.

If the Superintendent or his or her designee shall determine that there is no immediate danger to the health of persons using the public water supply system, he or she shall give the owner or custodian written notice of the violation and a reasonable time to correct it. If the owner or custodian fails or refuses to correct the violation, the Superintendent or his or her designee shall make the correction in which event the cost thereof plus the cost of clean up of the water supply shall be a lien upon the property pursuant to this Code. **(Ord. No. 1695; 08-13-19)**

38-3-18 **MAINTENANCE OF WATER LINES.** The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service. The City shall limit its responsibility to maintaining water lines to the water mains and not to the service lines. The property owner shall be responsible for the service line from the corporate stop on the water main to the water meter as well as the line from the meter into the premises served. All replaced water mains and all new water main extensions shall be a minimum of **six (6) inch** water line. **(Ord. No. 1451; 11-28-06)**

38-3-19 **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become a part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-20 **INSPECTION.**
 (A) **Access to Premises.** The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing and any other apparatus in any manner connected to the water system of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers. **(Ord. No. 638; 11-23-59)**

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officials and employees of the City at all reasonable hours.

38-3-21 **ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

38-3-22 **ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The City expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

38-3-23 **FIRE HYDRANT METERS.**

- (A) The City adopts a fire hydrant meter program for the City.
 - (B) The rules and regulations, process for obtaining a fire hydrant meter assembly permit, and installation and operation guidelines for fire hydrant meter assembly, as well as all other terms and conditions allowing one to qualify and use the fire hydrant meter program is attached hereto and marked **Exhibit "A"** and made apart hereof by reference.
 - (C) All persons obtaining bulk water in any other fashion from a fire hydrant in the City shall be fined as authorized in the City Code.
- (Ord. No. 1714; 06-06-21)**

DIVISION II - CROSS CONNECTIONS

38-3-24 **APPROVED BACKFLOW DEVICE.** All plumbing installed within the City shall be installed in accordance with the **Illinois Plumbing Code, 77 Ill. Adm. Code 890.** If, in accordance with the **Illinois Plumbing Code** or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the **Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations,** and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-25 **CROSS CONNECTIONS PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-26 **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial, industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

38-3-27 **RIGHT TO ENTER PREMISES.** The approved Cross Connection Control Device Inspector shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross connections and that the Superintendent or his authorized agent shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-28 **NOTICE TO CUSTOMER; RECONNECT FEE.**
 (A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Superintendent is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Superintendent or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-29 **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for the back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

38-3-30 - 38-3-40 **RESERVED.**

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-41 **PURPOSE.** The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-42 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-43 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-3-47(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-44 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

“Backflow” means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

“Backflow Prevention Device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

“Consumer” or “Customer” means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

“Consumer's Water System” means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

“Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

“Cross-Connection” means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

“Direct Cross-Connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

“Indirect Cross-Connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

“Health Hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

"Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

"Potable Water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

"Process fluid(s)" means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

"Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-45 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-46 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-47 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with **III. Comp. Stat., Ch. 225, Sec. 320/3.**

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) Testing and Records
 - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with **Ill. Comp. Stat., Ch. 415, Sec. 5/4(e)**.
 - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - (d) A maintenance log shall be maintained and include:
 - 1. date of each test;
 - 2. name and approval number of person performing the test;
 - 3. test results;
 - 4. repairs or servicing required;
 - 5. repairs and date completed; and
 - 6. serving performed and date completed.

38-3-48 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each

service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

38-3-49 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under **Section 38-3-48** of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under **Section 38-3-48** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-50 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University

of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-51 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-52 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-53 **VIOLATIONS AND PENALTIES.**

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Neither the City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(D) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(E) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(F) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

38-3-54 - 38-3-60 **RESERVED.**

ARTICLE IV - UTILITY RATES**DIVISION I - GENERAL**

38-4-1 **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer and such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-4-2 **REVENUES.** All revenues and monies derived from the operation of the Water and Sewer Department shall be deposited in the respective Water and Sewer Funds. All such revenues and monies shall be held by the City Clerk separate and apart from his private funds and separate and apart from all other funds of the City, and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than **ten (10) days** after receipt of the same or at such more frequent intervals as may, from time to time, be directed by the City Council.

The Treasurer shall receive all such revenues from the Water and Sewer Department and all other funds and monies incident to the operation of such Department as the same may be delivered to him and deposit the same in the proper accounts of the Water and Sewer Funds. The City Council shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-4-3 **ACCOUNTS.** The City Clerk shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the Water and Sewer Department and at regular annual intervals, the Clerk shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the Water and Sewer Department.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-4 **NOTICE OF RATES.** A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-4-5 **ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

38-4-6 - 38-4-9 **RESERVED.**

DIVISION II - WATER RATES**38-4-10** **WATER TAP-ON FEES.**

(A) **Inside City.** Applicants for water service inside the City shall pay a charge of **Three Hundred Fifty Dollars (\$350.00)** to connect to the water mains of the City for properties not now connected or tapped-on to the water mains, whether presently constructed or to be constructed. The foregoing charge shall be a privilege fee only and the only material to be furnished by the City shall be the water meter. All other appurtenances, such as connecting pipes, meter vaults and covers, valves, and connections shall be furnished by the applicant. All such connections shall be made under the supervision of the City and in such a manner as the City may direct through its duly authorized employees. All costs for excavation and labor for the tap-on shall be paid by the applicant. **(See 65 ILCS 5/11-150-1)**

(B) **Outside City.** Applicants for water service outside the City shall be subject to the same requirements as applicants inside the City and shall pay a fee of **Three Hundred Fifty Dollars (\$350.00)** to tap-on to the water main.

(C) **Pinnacle Point Subdivision Waiver.** The waterline tap-on fee shall be waived for any property owner who granted an easement for waterline purposes for the waterline installed adjacent to the North Road for the Pinnacle Point Subdivision. **(Ord. No. 1207; 03-28-95)**

38-4-11 **WATER RATES.**

(A) **Municipal Bulk Water Rate.** There is hereby established the monthly base rate or charge for water furnished by the City of Hillsboro, as adjusted by Paragraph "F" and other adjustments as deemed necessary from time to time by the City, to neighboring municipalities, the State of Illinois for water furnished to the John A. Graham Correctional Center, and the Montgomery County Water Company, based upon readings as shown by the master water meters, as follows:

- (1) Rate: \$1.60 per 1,000 gallons.
- (2) All bills for service shall be rendered as of the **first (1st) day** of the month succeeding the month for which the service is billed, and shall be payable not later than the close of business on the **fifteenth (15th) day** of the same month except that when the **fifteenth (15th) day** of the month shall be a Sunday or a legal holiday, then such bills for service shall be payable on the next succeeding day.
- (3) If the rates or charges for such services are not paid within **thirty (30) days** after rendition of the bill for such services, the bill shall be considered delinquent and such services may be discontinued without further notice.
- (4) It is the duty of the City Clerk to render bills for service and for all rates and charges in connection therewith and to collect all monies due thereon.
- (5) The Mayor and City Clerk are authorized to enter into a contract on behalf of the City with any municipality or other bulk water user desiring to purchase water from the City for a term of not to exceed **forty (40) years**; said contract to define the conditions on which water is to be furnished. **(Ord. No. 1556; 03-13-12)**

(B) **Residential Within City Limits.** There is hereby established base rates or charges for the use of and for the service supplied to residential users, as adjusted by Paragraph "F", within the City Limits by the water system, based upon the amount of water consumed per month as shown by the water meter, as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of Jan 2006)</u>
First 10,000 gallons	\$7.30 per 1,000 gallons
Next 10,000 gallons	\$5.09 per 1,000 gallons
Next 10,000 gallons	\$4.84 per 1,000 gallons
Over 30,000 gallons	\$4.62 per 1,000 gallons
MINIMUM MONTHLY BILL	\$21.92

(See Paragraph "F" for increases)

(C) **Residential Outside City Limits.** There is hereby rates or charges for the use of and for the service residential users outside the City Limits by the water upon the amount of water consumed per month as shown as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of May 1, 2010)</u>
First 2,000 gallons	\$46.65 per 1,000 gallons
Next 2,000 gallons	\$8.59 per 1,000 gallons
Over 4,000 gallons	\$7.06 per 1,000 gallons
MINIMUM MONTHLY BILL	\$46.65

(See Paragraph "F" for increases)

(Ord. No. 1510; 05-11-10)

(D) **Industrial Within City Limits.** There is hereby established rates or charges for the use of and for the service supplied to industrial users within the City Limits by the water system, based upon the amount of water consumed per month as shown by the meter, as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of Jan 2006)</u>
First 10,000 gallons	\$7.32 per 1,000 gallons
Next 10,000 gallons	\$5.09 per 1,000 gallons
Over 20,000 gallons	\$4.63 per 1,000 gallons
MINIMUM MONTHLY BILL	\$29.14

(See Paragraph "F" for increases)

(E) **Industrial Outside City Limits.** There is hereby established rates or charges for the use of and for the service supplied to industrial users outside the City Limits by the water system, based upon the amount of water consumed per month as shown by the meter, as follows:

<u>GALLONS USED PER MONTH</u>	<u>RATE (As of Jan 2006)</u>
First 10,000 gallons	\$10.95 per 1,000 gallons
Next 10,000 gallons	\$7.50 per 1,000 gallons
Next 10,000 gallons	\$6.58 per 1,000 gallons
Over 30,000 gallons	\$4.84 per 1,000 gallons
MINIMUM MONTHLY BILL	\$43.75

(See Paragraph "F" for increases)

(F) **Water Rate Increases.** The rate for water consumed by all persons, corporations, and municipalities shall be as follows:

<u>EFFECTIVE DATE</u>	<u>RATE INCREASE</u>
November 1, 2014	3 Percent
(Ord. No. 1545; 09-27-11)	

38-4-12 - 38-4-19 RESERVED.

DIVISION III - SEWER RATES

38-4-20 **BASIS FOR WASTEWATER SERVICE CHARGES.** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge; if applicable.

38-4-21 **COMPUTATION OF DEBT SERVICE CHARGE.** The debt service charge shall be computed by dividing the annual debt service of all outstanding bonds by the quantity used. Through further divisions, the monthly and quarterly debt service charges can be computed.

38-4-22 **BASIC USER CHARGE BASIS.** The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(A) A **five (5) day, twenty degrees Celsius (20°C.)** biochemical oxygen demand (BOD) of **two hundred sixty (260) mg/l.**

(B) A suspended solids (SS) content of **three hundred (300) mg/l.**

It shall consist of operation and maintenance costs, plus replacement and shall be computed as follows:

(C) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year for all works categories.

(D) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.

(E) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

(F) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.

(G) Compute costs **per one thousand (1,000) gallons** for normal sewage strength.

(H) Compute surcharge costs per **one thousand (1,000) gallons per mg/l** in excess of normal sewage strength for BOD and SS.

38-4-23 **SURCHARGE.**

(A) A surcharge shall be levied to all users whose waters exceed the normal concentrations for BOD of **two hundred sixty (260) mg/l** and SS of **three hundred (300) mg/l**. The surcharge shall be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the **two hundred sixty (260) mg/l and three hundred (300) mg/l** for BOD and SS respectively. **Section 38-4-28** specifies the procedure to compute a surcharge.

(B) The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs.

38-4-24 **MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons.**

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type

approved by the 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 cancelled, without the consent of the Superintendent.

38-4-25 DEBT SERVICE CHARGE AMOUNT. A debt service charge amount of **\$0** per month to each user of the wastewater facility of the City is hereby established. **(None established presently.)**

38-4-26 BASIC USER RATE.
 (A) **Metered Consumers.** There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the City.

- (1) A minimum charge of **Four Dollars (\$4.00) per month** shall be applied to all users whose water consumption does not exceed **one thousand (1,000) gallons per month.**
- (2) A basic user rate of **One Dollar Sixty-Five Cents (\$1.65) per one thousand (1,000) gallons** shall be applied to all users for water consumption in excess of **one thousand (1,000) gallons per month.**
- (3) **Sewer Rate Increases.** This basic user rate shall be increased periodically as follows:

<u>EFFECTIVE DATE</u>	<u>RATE INCREASE</u>
November 1, 2014	3 Percent

(Ord. No. 1545; 09-27-11)

(B) **Non-Metered Consumers.** All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month to adequately cover the costs of the minimum debt service charge, the minimum service charge and the basic user rate of **One Dollar Sixty-Five Cents (\$1.65) per one thousand (1,000) gallons.**

The flat rate charge shall allow a maximum of **one thousand (1,000) gallons per month.**

In the event use of the wastewater facilities is determined by the Superintendent to be in excess of **one thousand (1,000) gallons per month**, the Superintendent may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

(C) **Special Rates - Schram City and Graham Correction Center.** The sewer charge shall be **One Dollar Sixty-Three Cents (\$1.63) per one thousand (1,000) gallons per month.**

(#1070; 04-26-88)

38-4-27 SURCHARGE RATE. The rates of surcharges for BODs and SSs shall be as follows: **\$.165 per 1,000 gallons (Ord. No. 1399; 10-26-04)**

38-4-28 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

38-4-29 **WASTEWATER SERVICE CHARGE COMPUTATION.** The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu-X)CU + CS$$

Where CW = Amount of wastewater service charge (\$) per billing period.
 CD = Debt Service Charge (**Section 38-4-25**)
 CM = Minimum Charge for Operation, Maintenance and Replacement (**Section 38-4-26**)
 Vu = Wastewater Volume for the billing period.
 X = Allowable consumption in gallons for the minimum charge (**Section 38-4-26**)
 CU = Basic User Rate for Operation, Maintenance and Replacement (**Section 38-4-26**)
 CS = Amount of Surcharge (**Sections 38-4-27 and 38-4-28**)

38-4-30 **EFFECTIVE DATE OF RATES.** The rates and service charges established for user charges in this Chapter shall be effective as of the next fiscal year beginning **May 1, 1989** and on bills to be rendered for the next succeeding month being billed for monthly users.

38-4-31 **SEWER CONNECTION CHARGE.**
 (A) **Inside City Limits.** A sewer connection or tap-on fee in the amount of **Four Hundred Fifty Dollars (\$450.00)** shall be charged per unit, regardless of the age of the sewer main. This fee shall apply to all property within the corporate limits and shall be payable in advance to the City Clerk.
 (B) **Outside City Limits.** For all property outside the City Limits, the tap-on fee shall be **One Thousand Dollars (\$1,000.00)** per unit and payable in advance.
 (C) **Licensed Plumber.** The sewer connection or tap-on shall be accomplished by an Illinois licensed plumber, who is properly insured.
 (D) **Inspection.** The City Superintendent shall approve the tap-on prior to covering the construction and excavation required by this Chapter.
 (E) **Streets.** Persons installing sewer lines across City streets or property shall repair the street as required by **Chapter 33** of the City Code.
 (F) **Maintenance.** The customer and/or property owner who is served by the sewer connection and building sewer shall be responsible for the maintenance of the same from the sewer main to the building.

ARTICLE V - SEWER SYSTEM

DIVISION I - GENERALLY

38-5-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

(A) **"GOVERNMENT, FEDERAL":**

"Administrator" means the Administrator of the United States Environmental Protection Agency.

"Federal Act" means the Federal Water Pollution Control Act (**33 U.S.C. 1251, et sec.**) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (**Pub. L. 92-500**) and (**Pub. L. 93-243**).

"Federal Grant" shall mean the United States 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.

(B) **"GOVERNMENT, LOCAL":**

"Approving Authority" means the City Council of Hillsboro.

"Superintendent" means the Superintendent or Manager of the Sewer Department or his duly authorized deputy agent or representative.

(C) **"GOVERNMENT, STATE":**

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

(D) **"NPDES PERMIT"** means any permit or equivalent document or requirements issued by the Administrator or, where appropriated by the Director after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(E) **"PERSON"** shall mean 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.

(F) **"SEWER TYPES AND APPURTENANCES":**

"Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet [1.5 meters]** outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Combined Sewer" shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve **one (1)** or more persons and ultimately discharge into the City sanitary (or combined sewer system), even though those sewers may not have been constructed with City funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

(G) **"TREATMENT":**

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

"Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

(H) **"TYPES OF CHARGES":**

"Basic User Charge" shall mean the basic assessment levied on all users of the public sewer system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in this Article.

"Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be **twenty (20) years** from the date of start-up of any wastewater facilities constructed with a State grant.

"User Charge" shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in **Article IV** and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

(I) **"USER TYPES":**

"Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the City representative to sample and/or measure discharges.

"Industrial User" shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A - Agriculture, Forestry, and Fishing.
- (2) Division B - Mining.
- (3) Division D - Manufacturing.
- (4) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (5) Division I - Services.

A user in the Divisions listed may be excluded if it is determined by the City that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

"Residential or Commercial" or "Non-industrial User" shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this Section.

"User Class" shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(J) **"WASTEWATER AND ITS CHARACTERISTICS":**

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard - laboratory procedure in **five (5) days at 20°C**, expressed in milligrams per liter.

"Effluent Criteria" are defined in any applicable "NPDES Permit".

"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that:

- (1) has a flow of **fifty thousand (50,000) gallons** or more per average work day; or
- (2) has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 302(a) of the Federal Act; or
- (4) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

"Milligram per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001g of the constituent in **one thousand (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 wastewater analysis.

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods"

"ppm" shall mean parts per million by weight.

"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is **one hundred (100) gallons** of sewage per day, containing **0.22 pounds of BOD and 0.25 pounds of suspended solids**.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one-half (1/2) inch [1.27 centimeters]** in any dimension.

"Sewage" is used interchangeably with "wastewater".

"Slug" shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than **fifteen (15) minutes** more than **five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

(K) **"WASTEWATER FACILITIES"** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

(L) **"WATERCOURSE AND CONNECTIONS":**

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

38-5-2 RESERVED.

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-3 **SEWAGE ON PUBLIC OR PRIVATE PROPERTY.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

38-5-4 **NATURAL OUTLET DISCHARGE.** It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

38-5-5 **PRIVATE SYSTEM.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-5-6 **CONNECTION REQUIRED.** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City 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 City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within **ninety (90) days** after the date of official notice to do so, provided that the public sewer is within **one hundred (100) feet** of the property line.

38-5-7 - 38-5-9 **RESERVED.**

DIVISION III - PRIVATE SEWAGE DISPOSAL

38-5-10 **PRIVATE SYSTEM REQUIRED.** Where a public sanitary sewer is not available under the provisions of **Division I**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

38-5-11 **PRIVATE SEWER SYSTEM PERMIT.** 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 City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of **Fifty Dollars (\$50.00)** shall be paid to the City at the time the application is filed. **(See Appendix No. 4)**

38-5-12 **INSPECTION OF INSTALLATION.** 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 **sixty (60) hours** of the receipt of written notice by the Superintendent.

38-5-13 **REQUIREMENTS.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **ten thousand (10,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14 **AVAILABILITY OF PUBLIC SEWER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Division I**, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-5-15 **OPERATION OF SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

38-5-16 **ADDITIONAL REQUIREMENTS.** No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the Health Officer or the State of Illinois.

38-5-17 **CONNECTION TO PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20 **RESERVED.**

DIVISION IV - BUILDING SEWERS AND CONNECTIONS

38-5-21 **PERMIT REQUIRED.** No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-5-22 **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-23 **APPLICATION FOR PERMIT; FEE.** There shall be **two (2) classes** of building sewer permits:

- (A) for residential and commercial service, and
- (B) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. 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 City Treasurer at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. **(See Appendix No. 5)**

38-5-24 **CAPACITY OF SEWER.** A building sewer permit shall be issued and a sewer connection be allowed only if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-25 **COSTS AND EXPENSES.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner shall be responsible for all future repairs, alterations and maintenance of lateral lines.

38-5-26 **INDEPENDENT BUILDING SEWER REQUIRED.** A separate and independent building sewer shall be provided for every building, except that where **one (1)** 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 (1) building sewer**.

38-5-27 **DEMOLISHED BUILDINGS.** The landowner of any property in the City on which a building or buildings is or are to be demolished shall first shut off and close all sewer lines to the building or buildings to be demolished. **(#1079; 11-08-88)**

38-5-28 **OLD BUILDING SEWERS.** 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 Code.

38-5-29 **CONSTRUCTION OF BUILDING SEWER.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

38-5-30 **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-5-22**, and discharged to the building sewer.

38-5-31 **DOWNSPOUTS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

38-5-32 **BUILDING SEWER; PLUMBING CODE.** Connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

38-5-33 **NOTIFICATION FOR INSPECTION.** 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.

38-5-34 **BARRICADES AT EXCAVATIONS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-5-35 **RESERVED.**

DIVISION V - USE OF THE PUBLIC SEWERS

38-5-36 **DISCHARGE OF STORM WATER INTO SEWER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-37 **STORM SEWERS.** Stormwater 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 City. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent to a storm sewer, combined sewer, or natural outlet.

38-5-38 **PROHIBITED DISCHARGES TO SEWERS.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in 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.

38-5-39 **INDUSTRIAL COST RECOVERY SYSTEM.** No industrial user may discharge sewage into any public sewer until the City has adopted and industrial cost recovery system which:

(A) meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 citation an applicable federal regulations; and

(B) has been approved by the Agency in accordance with the conditions of any grant made to the City by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the City.

(Section 38-5-29) may be deleted if an Industrial Cost Recovery System is being developed).

38-5-40 **DISCHARGES PROHIBITED IF HARMFUL.** 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 City 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 its opinion as to the acceptability of these wastes, the City 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:

(A) Any liquid or vapor having a temperature higher than **one hundred fifty degrees Fahrenheit (150°F), [sixty-five degrees Celsius (65OC)].**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **one hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), [0 and sixty-five degrees Celsius (65°C)]**.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower [0.76 hp metric]** or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters and wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(F) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

(H) Any waters or wastes having a pH in excess of 9.5.

(I) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hg** at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(J) Any cyanide in excess of **0.025 mg/l** at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(K) Materials which exert or cause:

- (1) 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);
- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(L) 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 a degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the, receiving waters.

38-5-41 ACTION BY CITY COUNCIL. 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 **Section 38-5-40** of this Division, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, **Thursday, November 8, 1973** and any amendments thereto, and which, in judgment of the City Council 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 City may:

- (A) reject the wastes;
- (B) require pretreatment to an acceptable condition for discharge to the public sewers;
- (C) require control over the quantities and rates of discharge; and/or

(D) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of **Section 38-5-47**.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.

38-5-42 INTERCEPTORS PROVIDED.

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over of grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons**, and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the City wastewater collection and treatment system may be liable to the City for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the City. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and phone number.
- (2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next scheduled maintenance.
- (6) Copies of manifests.
- (7) The user shall be required to submit maintenance records to the City on an annual basis. Records shall be submitted by **September 1st** of each year. The records shall be submitted to:
Attn: Wastewater Superintendent

(E) The City will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the City the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Greases (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan

that will effectively control the discharge of undesirable materials into the wastewater collection system.

- (2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

- (1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.
- (2) Said interceptor and installation is endorsed by the City Engineer.
- (3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

38-5-43 FACILITY MAINTENANCE. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-44 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be 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.

38-5-45 LABORATORY ANALYSES. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater 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 analysis to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-5-46 TESTING REQUIREMENTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, 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 premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.

38-5-47 **SPECIAL ARRANGEMENTS.** No statement contained in this Division shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, in accordance with this Chapter hereof, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

38-5-48 - 38-5-49 **RESERVED.**

DIVISION VI - PROTECTION OF SEWAGE WORKS FROM DAMAGE

38-5-50 **DESTROYING EQUIPMENT.** No unauthorized person shall maliciously, willfully, 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.

38-5-51 **RESERVED.**

DIVISION VII - POWERS AND AUTHORITY OF INSPECTORS

38-5-52 **INSPECTION AND TESTING.** The Superintendent and other duly authorized employees of the City, 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 purpose 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.

38-5-53 **OBSERVATION OF SAFETY RULES.** While performing the necessary work on private properties referred to in **Section 38-5-52** the Superintendent or duly authorized employees of the City, 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 City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in **Section 38-5-44**.

38-5-54 **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-5-55 **RESERVED.**

DIVISION VIII - PENALTIES

38-5-56 **PENALTY DESCRIBED.** Any person found to be violating any provision of this Code except **Division VI** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The City may revoke any permit for sewage disposal as a result of any violation of any provision of this Code.

38-5-57 **CONTINUED VIOLATION.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-56**, shall be guilty of a violation of this Chapter and upon conviction thereof shall be fined in the amount not exceeding **Five Hundred Dollars (\$500.00)** for each violation. Each day of which any such violation shall continue shall be deemed a separate offense.

38-5-58 **LIABLE TO CITY.** Any person violating any of the provisions of this Article shall become liable to the City by reason of such violation.

ARTICLE VI - UTILITY EXTENSIONS**DIVISION I - GENERALLY**

38-6-1 **POLICY FOR EXTENSIONS.** The City Council has determined that it will not pay the cost or any portion thereof for any new water and/or sewer main extensions whether they are within the City or in a proposed subdivision. It shall be the responsibility of the subdivider or contractor to pay all costs relative to the construction of said water and sewer lines. The requirements of the Subdivision Code shall be complied with at all times.

38-6-2 **WATER EXTENSIONS OUTSIDE CITY.** If the City Council approves a water line extension outside the corporate limits, then the person proposing the water extension shall pay costs associated with said extension. In addition, the person shall furnish all engineering services and secure the proper State of Illinois permits necessary to extend the water lines. All proposed extensions shall be reviewed by the Plan Commission to determine if they comply with the comprehensive plan of the City. The City Engineer shall review and approve of all proposed main extensions.

38-6-3 **SEWER EXTENSIONS OUTSIDE CITY.** It is the expressed policy of the City Council that before any connection is made to the sewer mains within the City for property located outside the City, the property to be served shall be annexed to the City. All sewer main extensions shall be installed at the owner or developer's expense. The owner shall secure the proper state permits and shall have the project designed by an engineer. The owner shall secure the necessary easements for the mains. All of the requirements in **Section 38-6-4** shall be complied with unless waived by the City Council.

38-6-4 **REQUIREMENTS.** The City will accept the responsibility of the maintenance of the water and/or service line extensions **one (1) year** after the City Engineer has completed his inspections and has filed his written approval with the Commissioner of Public Property.

Before any connections or tap-ons are made to the water and/or sewer mains, the owner or developer shall assign all ownership in the utility extensions and any easements to the City. The City Council will acknowledge said assignment through the adoption of a resolution.

Thereafter all parties who connect to the water and/or sewer extension shall pay the appropriate connection fee as provided for in Article IV of this Chapter.

In the event the owner or developer does not assign his interest or the City will not accept the mains for maintenance after inspection, the new extensions will be the responsibility of the owner and/or developer to install a master meter and be responsible for all water and sewer changes in addition to the maintenance of the mains. **(In Part; Ord. No. 884; 07-26-77)**

38-6-5 **TESTING AND INSPECTION FOR ACCEPTANCE OF SANITARY SEWERS.**
All new sanitary sewers and existing sanitary sewers before being accepted by the City shall be tested and inspected by each of the following methods:

- (A) Exfiltration of air under pressure;
- (B) Deflection for flexible thermoplastic pipe; and
- (C) Lamping.

Each such test shall be conducted according to 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, and shall be conducted at a time when a representative of the City is present. **(Ord. No. 1240; 03-25-97)**

38-6-6 - 38-6-9 **RESERVED.**

DIVISION II - WATER EXTENSION

38-6-10 APPLICATION. Any person within the service areas of the Utility Systems and desiring the extension of the mains to the premises shall make application therefor to the Water and Sewer Department, and in making the application, shall present a plat showing the area to be served by the main extension.

38-6-11 REQUIREMENTS OF PROPOSED EXTENSION. Plats shall be submitted by the applicant to the City Clerk, the Engineer and the Commissioner of Public Property for determination of the size and lengths of the utilities installations, location of fire hydrants, water service valves and other appurtenances to be installed based upon the following provisions:

(A) Mains shall be sized so that fire protection service may be rendered to all lots or premises to be served by the main and any possible extension thereof.

(B) Fire hydrant shall be so located that no premises will be more than **six hundred (600) feet** from a fire hydrant.

(C) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property, and if the last lot to be served is a corner lot or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersection street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.

(D) The City may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the City to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed. Main trunk lines shall be installed by the developer.

(E) The City reserves the right to further extend the mains from and beyond the terminus of each main extension made under this Chapter. The applicant or the applicant's agent paying for an extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved.

(F) Extensions made under this rule shall be and remain the property of the City.

(G) Before the City mains will be laid hereunder, it is understood and agreed that the road surface will be brought to the extended sub-grade and the applicant, developer of such new subdivision shall furnish the City with a right-of-way agreement in suitable form to the City, unless the streets of the new subdivision have been dedicated to public use.

(H) **Installing Pipe Lines in Paved or Unpaved Streets.** When a pipe line is to be installed in a paved or unpaved street, a service line of **three-fourths (3/4) inch Type "K" Copper** is to be provided to the center line of each lot for a one-family dwelling. The service line is to terminate at a point **three (3) feet to five (5) feet** inside the property line in a meter box.

When a business or an apartment house is to be serviced, contact the Utilities Department to obtain the proper size for the service.

38-6-12 ENGINEER TO PREPARE PLANS. After approval of design, plans and specifications shall be prepared in accordance with the foregoing and with specifications for water main extensions from time to time adopted by the Council. The plans and specifications shall be prepared by the City Engineer, or a Civil Engineer acceptable to the Council.

38-6-13 **SEALED BIDS - LARGER PIPE REQUIRED.** Sealed bids shall be received by the Council after advertisement not less than **ten (10) days** prior to the date of receiving of bids and after receipt thereof, the applicant shall deposit with the City Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material and all costs of engineering and inspection. Excepting that if the City should require the installation of a size of pipe larger than is required by the City to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision, with the City paying the additional cost for a larger line.

38-6-14 **CONTRACT.** Upon a deposit of the money by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the City, as follows:

[See "SUBDIVISION CODE" for provisions applicable divisions.]

[The Next Chapter is Chapter 40, Zoning Code]

EXHIBIT "A"

FIRE HYDRANT METER PROGRAM FOR TEMPORARY WATER SERVICE AND BULK WATER

The fire hydrant use program provides temporary service within the City of Hillsboro, IL. This policy shall be in place for outside contractors, organizations, or other large users of water that are not in permanent nature. City of Hillsboro, IL municipal departments and users which are providing services directly to the City are exempt from the policy.

FIRE HYDRANT METER ASSEMBLY PERMIT

The Water Department will provide temporary water service by means of a public fire hydrant to customers who qualify for this service at select locations within the supply area. The City will provide a connection to a hydrant that includes a 2" gate valve, backflow preventor, water meter, and 2" FIP connection point.

Users shall connect to the assembly provided and allow unobstructed access to City personnel at all times. Fire hydrants for bulk use will be selected by either the Water or Streets Superintendent. The City reserves the right to suspend hydrant use due to disruptions in the supply or other unforeseen circumstances. No bulk water use shall take place during a water restriction issued by the City of Hillsboro.

Only one permit will be issued at any given time. It shall be issued on a first come, first serve basis. This service will not be available during periods of time when temperatures are below freezing.

PROCESS FOR OBTAINING A FIRE HYDRANT METER ASSEMBLY PERMIT

The City of Hillsboro requires two business days for all requests. Contact City Hall to inquire about the service and provide all the contact and billing information necessary to create an account. Water Department Staff will contact the party involved to set up the assembly and inspect the connection to the bulk user.

INSTALLATION AND OPERATION GUIDELINES FOR A FIRE HYDRANT METER ASSEMBLY

City of Hillsboro Staff will contact Customer to schedule the installation of the Hydrant Meter Assembly. Installation is available between 8:00 am and 2:30 pm, Monday to Friday.

City staff will install and secure the Fire Hydrant Meter Assembly to and turn on the fire hydrant and ensure all equipment is properly working before leaving the site. The customer will have access to and only be allowed to operate the 2" gate valve located on the exterior of the enclosed Fire Hydrant Meter assembly. Customers are not authorized or permitted to operate any other City of Hillsboro fire hydrant.

City will charge the hydrant through the operating nut on top of the hydrant. This operating nut will be open in the morning and closed at the end of every day by the user if multiple days are needed. Regular flow control shall be made utilizing the 2" gate valve provided on the assembly. Customers are not to control flow with the operation nut on top of the hydrant.

The customer is responsible for immediately reporting any damage or concerns to the Water Department. Any damaged occurring to the assembly or the attached hydrant will be the responsibility of the User.

When the Customer is finished with the Fire Hydrant Meter, they are to contact City Hall and have the assembly removed and a final reading will be made. Please notify the City at least 24 business hours prior to needing the unit removed. The City shall complete an inspection and obtain a water consumption reading on a regular basis for Customers that are in possession of Hydrant Meter Assemblies for extended periods of time.

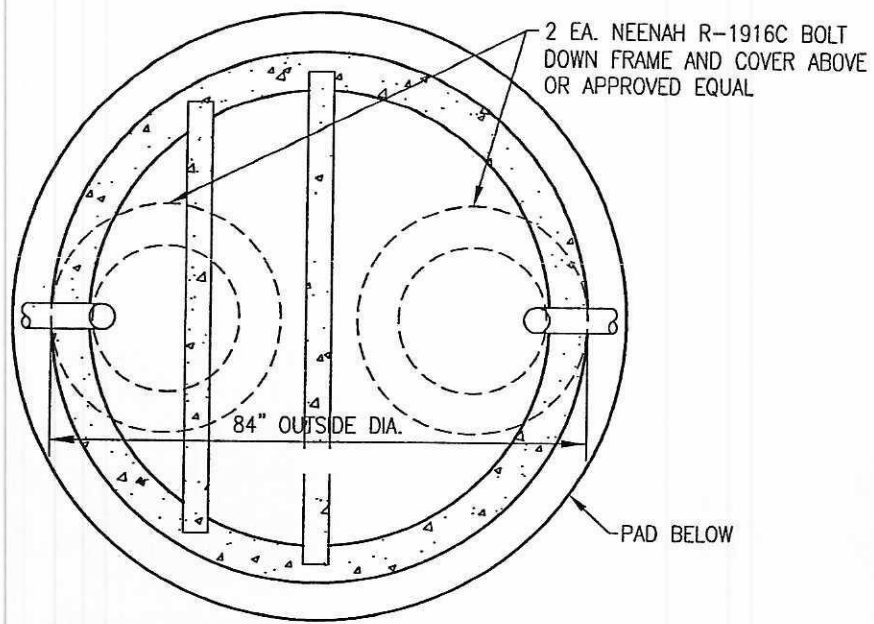
FIRE HYDRANT METER ASSEMBLY FEE SCHEDULE

Deposit: \$1,000.00 (Refundable)

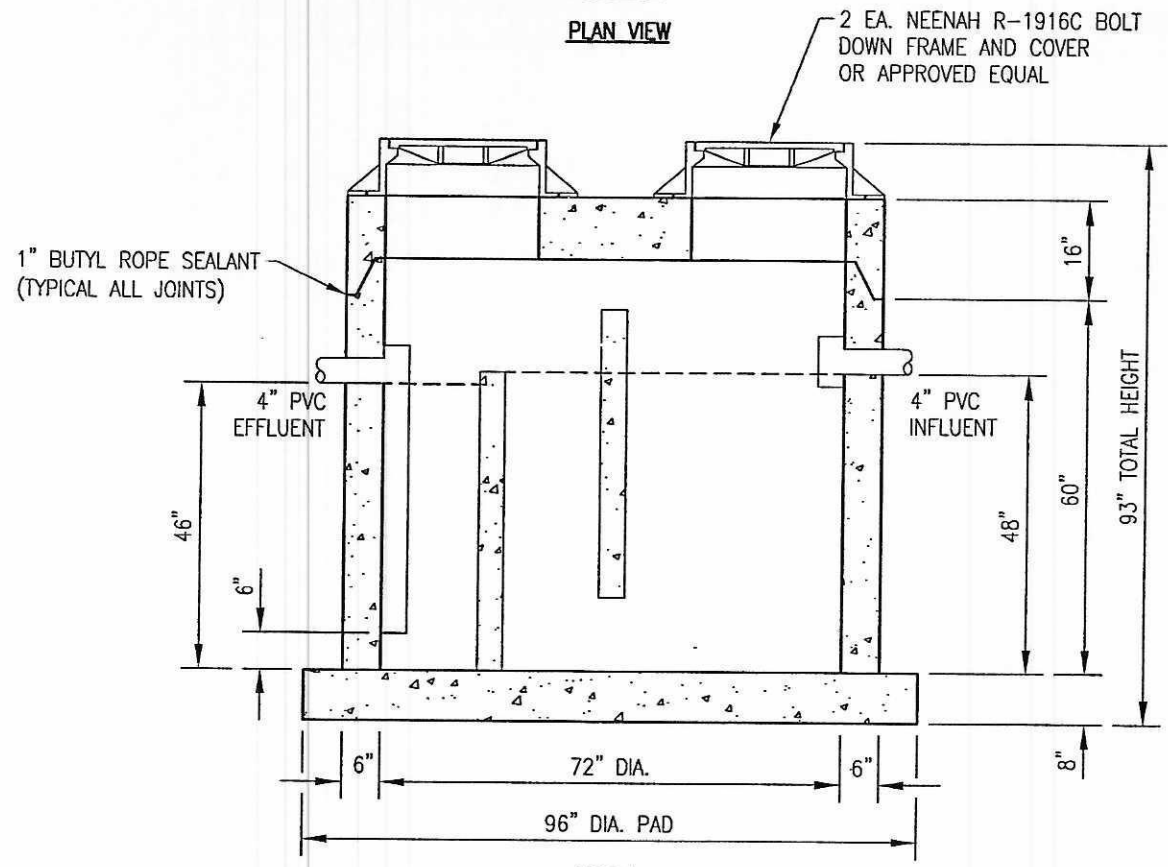
Rental Fee: \$100.00 per month (1 day to 1 month)

Consumption Rate: \$10.00 per 1,000 gallons, billed in 100-gallon increments the first of every month.

Minimum Bill: \$1,000.00



PLAN VIEW



SECTION

GREASETRAP SHALL BE CAPABLE OF WITHSTANDING H-20 LOADING, IF LOCATED IN A PAVEMENT AREA.

750 GALLON REINFORCED CONCRETE GREASE INTERCEPTOR

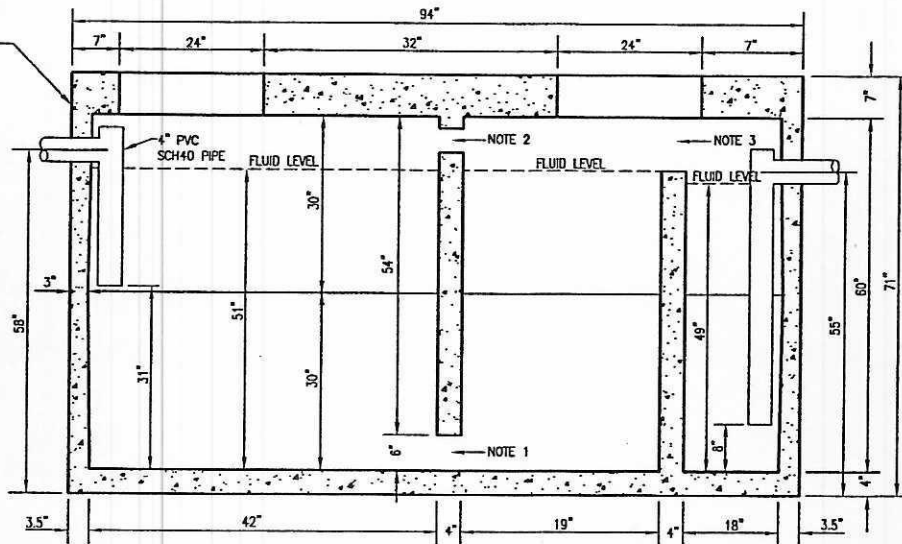


DATE: 7/26/06
DRAWN BY: DAB

750 GALLON REINFORCED
CONCRETE GREASE INTERCEPTOR

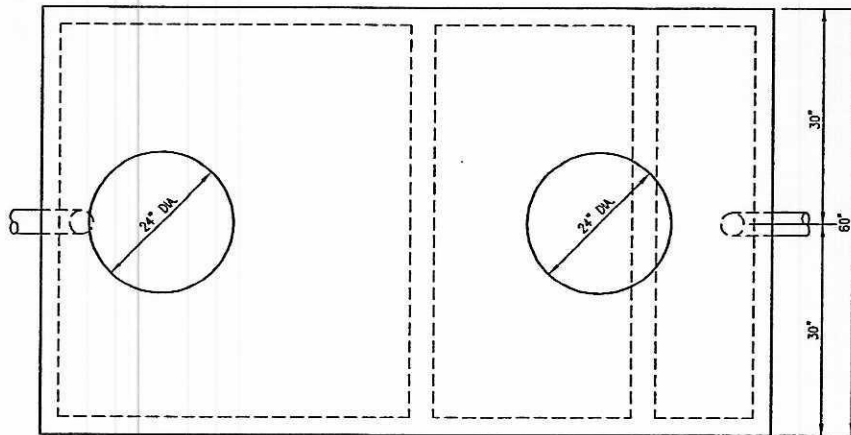
GREASE TRAP
(750 GALLON)

ADD RISER SECTIONS TO GREASE INTERCEPTOR PER VILLAGE OF SWANSEA SEWER REQUIREMENTS TO ACHIEVE FINISH GRADE ELEVATION



NOTE 1: 6"H x 32"W OPENING AT BOTTOM CENTERED
 NOTE 2: 2-4" DIAMETER HOLES - 2" DOWN - 4" OFF CENTER - 8" BETWEEN HOLES
 NOTE 3: 9"H x 24"W OPENING AT TOP CENTERED

SIDE SECTION



TOP VIEW

WEIGHT: 14,670 LBS

NOTE:

THIS TANK IS NOT DESIGNED FOR VEHICULAR TRAFFIC. IF USED IN TRAFFIC AREAS A REINFORCED CONCRETE SLAB MUST SPAN THE TANK AND OVERDIG TO PROTECT THE TANK.

OPTIONS:

- GRADE RISERS (DONUTS)
- FRAME & COVERS
- LARGER INLET & OUTLET
- BIO-GEM ENZYME ADDITIVE
- SEALANT

1000 GALLON REINFORCED CONCRETE GREASE INTERCEPTOR

EXCAVATION SIZE: 9'L x 6'W

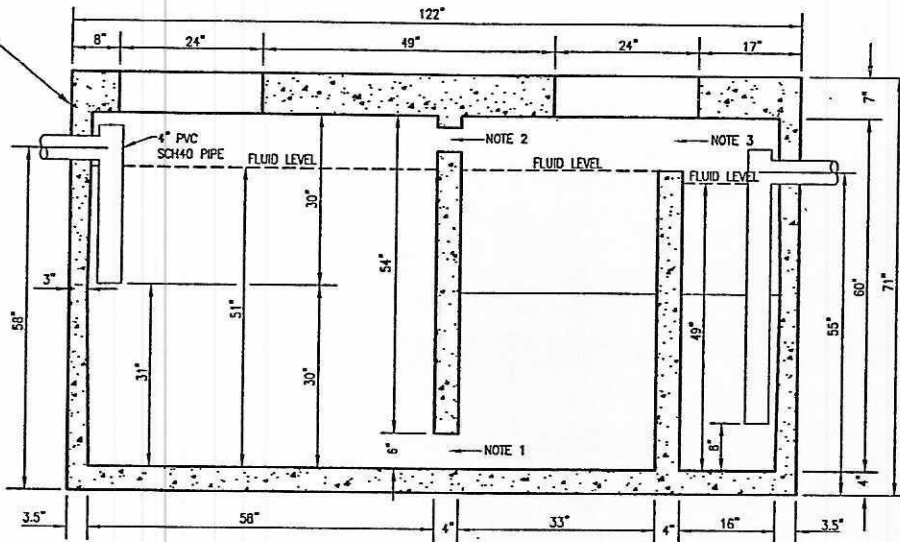


DATE: 1/21/05
 DRAWN BY: DLS

1000 GALLON REINFORCED
 CONCRETE GREASE INTERCEPTOR

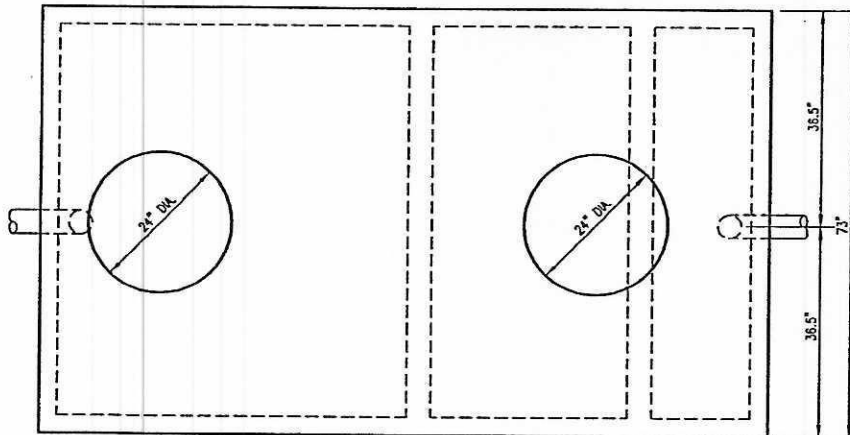
GREASE TRAP
 (1000 GALLON)

ADD RISER SECTIONS TO GREASE INTERCEPTOR PER VILLAGE OF SWANSEA SEWER REQUIREMENTS TO ACHIEVE FINISH GRADE ELEVATION



- NOTE 1: 6"H x 32"W OPENING AT BOTTOM CENTERED
- NOTE 2: 2-4" DIAMETER HOLES - 2" DOWN - 4" OFF CENTER - 8" BETWEEN HOLES
- NOTE 3: 9"H x 24"W OPENING AT TOP CENTERED

SIDE SECTION



TOP VIEW

WEIGHT: 14,670 LBS

NOTE:

THIS TANK IS NOT DESIGNED FOR VEHICULAR TRAFFIC. IF USED IN TRAFFIC AREAS A REINFORCED CONCRETE SLAB MUST SPAN THE TANK AND OVERDIG TO PROTECT THE TANK.

OPTIONS:

- GRADE RISERS (DONUTS)
- FRAME & COVERS
- LARGER INLET & OUTLET
- BIO-GEM ENZYME ADDITIVE
- SEALANT

1500 GALLON REINFORCED CONCRETE GREASE INTERCEPTOR

EXCAVATION SIZE: 11'L x 7'W



DATE: 1/21/05
DRAWN BY: DLS

1500 GALLON REINFORCED
CONCRETE GREASE INTERCEPTOR

GREASE TRAP
(1500 GALLON)

APPENDIX NO. 4

PRIVATE SEWAGE DISPOSAL APPLICATION

A. The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to
install _____
(Number) (Street)
sanitary sewage disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

- 1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
- 2. The area of the property is [_____] square feet or [_____] square meters.
- 3. The name and address of the person or firm who will perform the work is _____
- 4. The maximum number of persons to be served by the proposed facilities is _____
- 5. The location and nature of all sources of private or public water supply within **one hundred (100) feet [30.5 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

- 1. To furnish any additional information relating to the proposed work that shall be requested by the City.
- 2. To accept and abide by all provisions of the **City Code** and of all other pertinent codes or ordinances that may be adopted in the future.
- 3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the City and at no expense to the City.
- 4. To notify the City **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

-
(CERTIFICATION BY CITY TREASURER)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____
\$ _____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

-
(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(CITY CLERK)

-

APPENDIX NO. 5

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to install
and _____
(Number) (Street)
connect a building sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>NUMBER</u>	<u>FIXTURE</u>	<u>NUMBER</u>	<u>FIXTURE</u>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

- The maximum number of persons who will use the above fixtures is _____.
- The name and address of the person or firm who will perform the proposed work is _____
- _____
- Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

- To accept and abide by all provisions of the **City Code**, and of all other pertinent ordinances and codes that may be adopted in the future.
- To maintain the building sewer at no expense to the City.
- To notify the City when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CITY TREASURER)

\$_____ (Inspection Fee Paid) DATE: _____, 20____

\$_____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(CITY CLERK)

-

APPENDIX NO. 6

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to _____
(Number) (Street) (install, use)
an industrial sewer connection serving the _____, which company is engaged in
_____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A"**.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B"**.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C"**.
4. The name and address of the person or firm who will perform the work covered by this permit is ____

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the City.
2. To accept and abide by all provisions of the **City Code**, and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the City.
4. To cooperate at all times with the City and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the City immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

-
(CERTIFICATION BY CITY TREASURER)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____

\$ _____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

-
(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(CITY CLERK)

-

APPENDIX NO. 2

APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for connection to the Water System of the City for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or enacted and passed from time to time providing for the regulation of service furnished by the City, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable within **fifteen (15) days** following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____

(STREET NUMBER AND NAME OF STREET)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(

(NAME)

(

(STREET NUMBER AND NAME OF STREET)

(

(CITY, STATE AND ZIP CODE)

APPENDIX NO. 7

APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the City. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable within **ten (10) days** following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

(APPLICANT'S SIGNATURE)

(STREET NUMBER AND NAME OF STREET)

(OWNER'S SIGNATURE, IF NOT APPLICANT)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

-
Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(

(NAME)

(STREET NUMBER AND NAME OF STREET)
(

(CITY, STATE AND ZIP CODE)

-

APPENDIX NO. 9

R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the City is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **City**.

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

DATE: _____

ADDRESS: _____

OWNER(S): _____

**CITY OF HILLSBORO
COUNTY OF MONTGOMERY**

APPENDIX NO. 8

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the City Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this City.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

- _____ Single-Family Residence
- _____ Multiple dwelling or trailer court
- _____ Commercial
- _____ Industrial
- _____ Institutional
- _____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, 20____.

**CITY OF HILLSBORO
COUNTY OF MONTGOMERY**

SIGNED: _____

APPENDIX NO. 1

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **City of Hillsboro, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of \$_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid \$_____.
- (B) Engineering and Inspection Charge \$_____.
- (C) TOTAL: \$_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

**UTILITY DEPARTMENT
CITY OF HILLSBORO, ILLINOIS**

BY: _____
MAYOR

ATTEST:

CITY CLERK

APPLICANT/DEPOSITOR

WITNESSES:

APPENDIX NO. 10

UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: _____

ADDRESS: _____

TOTAL AMOUNT OF BILL: \$_____ WATER

 \$_____ SEWER

 \$_____ OTHER

SUB-TOTAL: \$_____

PENALTY: \$_____

TOTAL DUE: \$_____

DATE OF HEARING _____

TIME OF HEARING _____

LOCATION OF HEARING _____

—

PHONE: _____

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and City Clerk, or their designated representative(s), shall preside at the hearing.

CITY CLERK

DATED THIS _____ DAY OF _____, 20_____.

NOTE:

After services have been shut off there will be a reconnection fee of \$_____.

APPENDIX NO. 3

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<u>Waste or Chemical</u>	<u>Concentration mg/l</u>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

***City
of
Hillsboro,
Illinois***

***Zoning
Code***

PREPARED BY:
Illinois Codification Services
"Serving Illinois Since 1970"
Post Office Box 69
Freeburg, Illinois 62243-0069
Phone: (618) 539-5771
FAX: (618) 539-9890

CHAPTER 40 – ZONING CODE

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CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **TITLE.** This Code shall be known as and cited as the "**Zoning Code of the City of Hillsboro, Illinois**".

40-1-2 **PURPOSE.** In accordance with State Law, this Code regulates lots, structures, and uses in order to preserve, protect, and promote the public health, safety, and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

- (A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
- (B) to assist in implementing the City Community Plan;
- (C) to protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (D) to conserve and increase the value of taxable property throughout the City;
- (E) to ensure the provision of adequate lights, air, and privacy for the occupants of all buildings;
- (F) to protect persons and property from damage caused by fire, flooding, and improper sewage disposal;
- (G) to provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- (H) to ensure the proper design and improvement of mobile home parks;
- (I) to promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and
- (J) to provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(65 ILCS 5/11-13-1)**

40-1-3 **JURISDICTION.** This Code shall be applicable only within the corporate limits of the City and **one and one-half (1 1/2) miles** outside of the City limits of Hillsboro.

- (A) Territory situated outside the corporate limits shall be in the same zoning district as the territory most nearly adjacent thereto situated within the City limits. **(Ord. No. 1381; 02-24-04)**

40-1-4 **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Code shall be construed liberally in favor of the City and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-5 **DISCLAIMER OF LIABILITY.**

- (A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act", 765 ILCS 10/1-101)**

(B) Any suit brought against any official, board member, agent, or employee of the City as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

40-1-6 SEVERABILITY. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-7 REVIEW. This Code shall be reviewed every **five (5) years** after its effective date by the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Mayor and the City Council.

ARTICLE II - DEFINITIONS

40-2-1 **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural shall include the singular.

(E) The term "**shall**" is mandatory; the term "**may**" is discretionary.

(F) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 **SELECTED DEFINITIONS.**

"ABUTTING" means having a common lot line or district line. (Synonym for "adjacent" or "adjoining".)

"ACCESS WAY" means a curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

"ACCESSORY USE" means any structure or use that is:

- (A) subordinate in size or purpose to the principal structure or use which it serves;
- (B) necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (C) located on the same lot as the principal structure or use served.

"ADMINISTRATOR" means the official appointed by the Mayor, with the advice and consent of the City Council, or his representative to administer this Code. (**Synonymous with "Zoning Administrator" or "Zoning Officer".**)

"AGRICULTURE" means any one or any combination of the following: The growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse and accessory uses and structures customarily incidental to agricultural activities.

"AISLE" means a vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

"ALLEY" means a public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

"ALTER" means to change the size, shape or use of a structure, or the moving from one location to another.

"AMENDMENT" means a change in the provisions of this Code (including the District Map), properly effected in accordance with State Law and the procedures set forth herein.

"ANCHOR" means any approved device to which a mobile home is tied down to keep it firmly attached to the stand on which it is placed.

"APARTMENT". One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended or designed or occupied as a dwelling unit of a single family, an individual, or a group of individuals.

"ATTACHED", as applied to buildings, means having a common wall and/or a common roof.

"BASEMENT" means a story having more than **one-half (1/2)** of its height below the average level of the adjoining ground.

"BILLBOARD" means any single- or double-faced sign displaying messages or advertising not associated with the premises on which the sign is located or to which it is affixed.

"BITUMINOUS CONCRETE" means a mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. It does not mean "oil and chip".

"BLOCK" means an area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless the exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

"BOARD OF APPEALS" means the Zoning Board of Appeals of the City.

"BOARDING HOUSE" means a building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)** who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

"BUFFER STRIP" means an area of land undeveloped except for landscaping fences, etc., used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

"BUILDING" means any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

"BUILDING OR STRUCTURE HEIGHT" means the vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

"BUILDING LINE" means the line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

"BULK" means any one or any combination of the following structural or site design characteristics:

- (A) Size or height of structure;
- (B) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) lot area;
- (D) yards or setbacks.

"CENTERLINE" means:

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline where a right-of-way has been widened irregularly;
- (C) The new centerline, whenever a road has been relocated.

"CERTIFICATE OF ZONING COMPLIANCE" means a form issued by the Administrator indicating that a lot or newly completed structure or use complied with all pertinent requirements of this Code and therefore, may be occupied or used.

"CITY" means either the territory or the local government of the Municipality.

"CLINIC" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with room or board nor kept overnight on the premises.

"CLUB/LODGE" means a non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

"COMMERCIAL USE/ESTABLISHMENT" means any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

"CONFORMING" means in compliance with the applicable provisions of this Code.

"CONVENIENCE/GASOLINE SERVICE STATION" means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

"CORRECTIVE ACTION ORDER" means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

"DAY CARE CENTER" means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

"DETACHED", as applied to buildings, means surrounded by yards on the same lot as the building.

"DEVELOP" means to erect any structure or to install any improvements on a tract of land or to undertake any activity (such as grading) in preparation therefore.

"DIMENSIONS" refers to both lot depth and lot width.

"DISTRICT, ZONING" means a portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

"DRIVEWAY" means a minor way commonly providing vehicular access to a garage or off-street parking area.

"DRIVE-IN RESTAURANT". An establishment principally used for the sale of fast order food. Fast order food means food that is:

- (A) Primarily intended for immediate consumption;
- (B) Available after a short waiting time; and

(C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

"DWELLING" means a building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public.

"DWELLING, MULTIPLE-FAMILY" means a building or portion thereof containing **three (3)** or more dwelling units.

"DWELLING, SINGLE-FAMILY" means a dwelling containing **one (1) dwelling unit** and intended for the occupancy of **one (1) family**.

"DWELLING, TWO-FAMILY" means a dwelling containing **two (2) dwelling units**.

"DWELLING UNIT" means **two (2)** or more rooms designed or used as living quarters by **one (1) family**. A "dwelling unit" always includes a bathroom and a kitchen.

"EASEMENT" means a right to use another person's real property for certain limited purposes.

"EDUCATIONAL INSTITUTION" means a public, parochial, charitable, or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

"ENCLOSED" as applied to a building, means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

"ENLARGE" means to increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

"ERECT" means to build or construct.

"ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES". The erection, construction, alteration, or maintenance by public utilities or municipal departments, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings.

"ESTABLISHMENT" means either of the following:

(A) An institutional, business, commercial, or industrial activity that is the sole occupant of **one (1)** or more buildings; or

(B) An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities with the building and not a department of the whole; and
- (2) the activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entry way that has direct access to the exterior of the building.

"EXISTING" means actually constructed or in operation on the effective date of this Code.

"FAMILY" means:

- (A) A single individual doing his own cooking and living upon the premises as a separate dwelling or housekeeping unit; or
- (B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or
- (C) A group of not more than **three (3)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

"FLOOR AREA, GROSS" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. "Gross floor area" includes basement floors; attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches.

"FREIGHT TERMINAL" as applied to motor carriers subject to the **625 ILCS 18**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

"FRONTAGE" means the lineal extent of the front (street side) of a lot or establishment.

"GARAGE, PRIVATE" means a garage for **four (4) or less** passenger motor vehicles without provision for repairing or servicing such vehicle(s) for profit.

"GREENHOUSE". (See "Nursery")

"GROUP HOME". Any building designed as a single-family residence building and occupied by related or unrelated individuals living together as a group. The term "group home" shall not include the business of operating a boarding house, rooming house or other similar enterprise. The term "group home" shall include a home for adolescents, a home for physically handicapped persons, and a home for mentally handicapped persons. The term "group home" shall not include any penal institutions or places for persons convicted of a crime, persons found to be juvenile delinquents, or juveniles found to be persons in need of supervision.

"HEREAFTER" means any time after the effective date of this Code.

"HOME OCCUPATION" means any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

"HOSPITAL" means an institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital" as used in this Ordinance includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, and convalescent/nursing homes.

"HOTEL" means a building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment house.

"IMMOBILIZE" means as applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch, and the installation of skirting and anchoring devices.

"INTERSECTION" means the point at which **two (2)** or more public rights-of-way (generally, streets) meet.

"JUNK YARD" means a tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastic, rags, and rubber tires. (A lot on which **one (1)** or more inoperable or abandoned vehicles are stored shall be deemed a junk yard.) A junk yard includes an automobile wrecking yard.

"KENNEL". Any structure or lot on which **three (3) or more** domesticated animals over **four (4) months of age** are kept.

"LANDSCAPE FENCE" means a non-obstructive fence, no greater than **four (4) feet** in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

"LOADING SPACE". An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"LOT" means a tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record".

"LOT, CORNER" means a lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

"LOT, THROUGH" means a lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

"LOT AREA" means the area of a horizontal plane bounded by the front, side, and rear lines of a lot. Application of the minimum lot width and minimum lot depth shall not be construed to satisfy minimum lot size.

"LOT COVERAGE" means the portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

"LOT DEPTH" means the average horizontal distance between the front lot line and the rear lot line of a lot.

"LOT LINE, FRONT" means the lot line abutting the street right-of-way!

"LOT LINE, REAR" means an interior lot line which is most distant from and most nearly parallel to the front lot line.

"LOT LINE, SIDE". Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. (A side lot line separating a lot from another lot or lots is called an interior side lot line.)

"LOT OF RECORD" means an area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

"LOT SIZE REQUIREMENTS" refers to the lot area, width and depth requirements of the applicable district.

"LOT WIDTH" means the mean horizontal width of a lot measured at right angles to the side lot lines (at the building line).

"MAINTENANCE" means the routine upkeep of a structure, premises or equipment including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

"MANUFACTURED HOME" means a movable or portable unit constructed to be towed in **one (1)** or more sections on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations and designed to be used as a dwelling with or without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include: (1) units containing parts that may be folded, collapsed, or telescoped when being towed and that may expanded to provide additional cubic capacity, and (2) units composed of **two (2)** or more separated again into the components for repeated towing. The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles. All units shall be a minimum of **eight hundred fifty (850) square feet**. Such units manufactured after **June 15, 1976**, are known as "manufactured homes" and must bear a red metal label on the exterior of the home signifying compliance with the Federal Manufactured Home Construction and Safety standards and have a title as proof of ownership. **(Ord. No. 1125; 09-10-91)**

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

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

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

"MANUFACTURED HOME PARK" means a parcel of not less than **five (5) acres** in area in single ownership/control, developed with facilities for accommodating occupied manufactured homes in accordance with the requirements of this Code, and the "Revised Code of Ordinances".

"MANUFACTURED HOME SPACE" means a portion of a manufactured home park designed and improved for the placement of one manufactured home and the private use of the occupants thereof.

"MANUFACTURED HOME STAND" means the part of a manufactured home space beneath the manufactured home that includes the concrete slab on which the home is placed and to which it is anchored.

"MARQUEE OR CANOPY" means a rooflike structure of a permanent nature which projects from the wall of a building and overhangs the public way.

"MOBILE OR PORTABLE MARQUEE" is a term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

"MODULAR UNITS" means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for **one (1)** or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, attached to a permanent perimeter foundation which extend below the frost depth. **This unit must display a yellow seal on the electrical panel box denoting approval by the Illinois Department of Public Health.**

"MOTEL OR MOTOR HOTEL" means a series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities; said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

"NONCONFORMING", as applied to a lot, structure or use, means:

- (A) lawfully existing on the effective date of this Code, but
- (B) not in compliance with the applicable provisions thereof.

"NUISANCE" means anything, condition, or conduct that endangers health or unreasonably offends the senses or obstructs the free use of property or essentially interferes with the comfortable enjoyment of life or property. **(See Chapter 25 of the City Code)**

"NURSERY" means a tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

"NURSERY SCHOOL" OR "DAY CARE CENTER" means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

"NURSING HOME" means a building used as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

"OFFICE" means any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

"OFFICIAL MAP" means the portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be **one (1)** or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the City.

"OVERLAY DISTRICT" means a zoning district superimposed over **one (1)** or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

"PARKING AREA/LOT, OFF-STREET" means land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot", depending on the circumstances of its use, may be either a principal use or an accessory use.

"PARKING LOT - COMMERCIAL" means land that is improved in accordance with this Code and shall be limited to automobiles and trucks **one (1) ton** and under.

"PARKING SPACE, OFF-STREET" means an area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

"PERMITTED USE" means any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to such district(s).

"PERSON" means any individual, firm, association, organization, or corporate body.

"PLANNED DEVELOPMENT PROJECT" means a residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

"PREFABRICATED HOUSING" means a partially constructed factory fabricated building unit which will be substantially assembled onsite, utilizing premanufactured component parts. This term shall not be construed to include "mobile homes", "immobilized mobile homes" or "modular homes".

"PREMISES" means a lot and all the structures and uses thereon.

"PRINCIPAL BUILDING/STRUCTURE/USE" means the main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

"PROFESSIONAL OFFICE" means an office (other than a service office and other than an office for care and/or treatment of or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, or engineers qualified to perform services of a professional nature, or the offices of a governmental agency; and where there is no storage, sale or display of merchandise on the premises.

"PROPERTY LINE". See "Lot Line".

"PUBLIC BUILDINGS" means any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

"PUBLIC OPEN SPACE" means any publicly-owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

"PUBLIC UTILITIES" means utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

"QUICK SHOP" means any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, mobile home park or similar development.

"RECONSTRUCT", as applied to nonconforming structures, means to rebuild after damage or destruction.

"REFUSE" means garbage (food wastes) and trash, but not sewage or industrial wastes.

"RELOCATE" means to move to another portion of a lot or to a different lot.

"REPAIR" means to restore to sound condition, but not to reconstruct.

"RESTRICTIVE" means tending to keep within prescribed limits.

"RETAIL" refers to the sale of goods or services directly to the consumer rather than to another business.

"RIGHT-OF-WAY, PUBLIC" means a strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

"ROOF LINE" means a horizontal line parallel to the average ground level of a building along the front thereof, which line delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, the line of demarcation between

the flat surface and the vertically structured facade; or the line along the front of a building delineating the roof line between eaves and ridge for gable, hip, and gambrel roofs.

"SATELLITE DISH" means a dish shaped antenna used to receive signals from satellites.

"SCREENING" means trees, shrubs, walls, solid fences, etc. used as a means of view and noise control.

"SEMI-FINISHED MATERIALS" means materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry for assembly or manufacture into consumer goods.

"SERVICE BUILDING" means a structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers and in some instances, a convenience store.

"SERVICE STATION" means a building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

"SERVICE USE/ESTABLISHMENT" means any use or establishment where services are provided for remuneration either to individuals or to other firms.

"SETBACK" means the horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in the case of a use which does not involve a structure).

"SEWAGE TREATMENT PLANT, PRIVATE" shall mean any properly constructed disposal system intended for the treatment of wastewaters from more than **one (1) residence** and/or building unit.

"SIGN" means any object, device, display, or structure or part thereof used to advertise, identify, display, or attract attention to a person, establishment, product, service, or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term "sign" includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castlelook" of a White Castle restaurant).

"SIGN, CANOPY/MARQUEE" means any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

"SIGN, FLUSH-MOUNTED" means any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

"SIGN, FREESTANDING" means any sign supported by one or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

"SIGN, PROJECTING" means any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

"SIGN AREA" means the entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Code.

"SIGN AREA ALLOWANCE" means the maximum total sign area of all signs that an establishment is permitted to display.

"SKIRTING" means the covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

"SPECIAL USE" means a use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

"SPECIAL-USE PERMIT" means a permit issued in accordance with the provisions of this Code to regulate development of a special use.

"STOP ORDER" means a type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

"STORAGE CONTAINER" means a structure consisting of either a demobilized train or railroad car, a truck body or a shell or truck trailer licensed or unlicensed. **(See Section 40-5-15)**

"STREET" means a public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, thoroughway, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

"STREET, PRIVATE" means any street providing access to abutting property that is not maintained by and dedicated to the Municipality or other public entity.

"STRINGENT" means binding and/or exacting.

"STRUCTURE" means anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

"TOPOGRAPHY" means the relief features or surface configuration of an area.

"USE" means the purpose or activity for which the land or a structure thereon is designed, arranged, intended, occupied, or maintained.

"USE VARIANCE" means a type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

"UTILITY SUBSTATION" means a secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

"VACANT" as applied to a lot, means that no structure is situated thereon.

"VARIANCE" means a relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

"WHOLESALE" refers to the sale of goods or services by one business to another business.

"WINDOW SIGN" means any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

"YARD" means open space that is unobstructed, except as specifically permitted in this Code and that is located on the same lot as the principal building.

"YARD, FRONT" means a yard which is bounded by the side lot lines, front lot line, and the building line.

"YARD, REAR" means a yard which is bounded by side lot lines, rear lot line and rear yard line.

"YARD, SIDE" means a yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

"YARD LINE" means a line in a lot that is generally parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

"ZONING ADMINISTRATOR"; "ZONING OFFICIAL" OR "ZONING OFFICER" means the Zoning Administrator of the City or his authorized representative.

"ZONING MAP" means the map(s) and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

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ARTICLE III - GENERAL ZONING REGULATIONS

DIVISION I - GENERALLY

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in Section 40-1-2, the entire City is hereby divided into the following Zoning Districts:

Table with 3 columns: DISTRICT, DESIGNATION, MINIMUM AREA*. Rows include Agricultural (A-1, 3 Acres), Single-Family Residence (R-1, 5 Acres), General Residence (R-2, 3 Acres), Multi-Family (MR-1, 3 Acres), Manufactured Housing (MH-1, 2 Acres), General Business (B-1, 1 Acre), Highway Business (B-2, 2 Acres), Industrial (1-1, 5 Acres), Flood Plain Overlay (O-FP, None).

* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

40-3-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the Official Zoning Map of the City. This map, including all notations and other information thereof is hereby made a part of this Code by reference. The Official Zoning Map shall be kept on file in the Administrator's office.

40-3-3 ANNUAL PUBLICATION. In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the City not later than March 31st of the following year. (65 ILCS 5/11-13-19)

NOTE: The map shall be published if there are any annexations.

40-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- (1) Center line of any street, alley, or highway such center line
(2) Lot line such lot line

- (3) Railroad tracks right-of-way line of such tracks
- (4) Stream center of such stream
- (5) Section, fraction or survey lines such lines

(B) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

40-3-5 ANNEXED TERRITORY. Any territory hereafter annexed to the Municipality shall automatically be in the R-1, Single Family Residence District until duly changed by an amendment to this Code; except that the City Council, with the advice of the Zoning Board, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met. **(See Sec. 40-10-30 for amendments)**

40-3-6 GENERAL PROHIBITION. Hereafter, it shall be unlawful to do the following within the City:

- (A) Erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;*
- (B) to create any lot;* or
- (C) to use, occupy, or develop any lot or part thereof;*

*EXCEPT in conformity with the provisions of this Code.

40-3-7 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as "permitted" or "special" within a particular zoning district, such use shall be deemed prohibited in that district. However, if the City Council, following consultation with the Zoning Administrator and the Zoning Board of Appeals finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use. The decision of the City Council shall become a permanent public record and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-8 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of any abutting lot.

40-3-9 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or private street.

40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. **(See Sketch at end of Code)**

40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise in the "B-1" - General Business District and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on **one (1) side** of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that block shall be the average of the

existing front setbacks, but no less than **five (5) feet**, provided, however, that in any built-up area, no front setback greater than **fifty (50) feet** shall be required.

(A) **Residential Exception.** Where all of the improved lots in any **one (1) block** (including a minimum of **three (3)** improved lots) are developed with buildings which establish a setback greater than **twenty (20) feet**, and said improved lots comprise **twenty-five percent (25%)** or more of the frontage of said block; such greater setback shall become the minimum setback in such block. No building hereafter erected, converted, enlarged, reconstructed, or structurally altered shall project beyond the setback so established in said block, provided, however, that this regulation shall not be interpreted to require a setback of more than **sixty (60) feet**.

(B) **Business (B-2) Exception.** When **two (2)** or more existing business buildings located in this District and within the block of the subject lot, have already established a building line of a lesser depth than required above, then all new buildings may conform to the same building line, except for the **fifty (50) feet** of B-2 District frontage adjacent to an R District, whereupon there shall be provided a front setback of not less than **ten (10) feet**.

40-3-12 **INTRUSIONS INTO YARDS.** To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSION</u>
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios uncovered at ground level	NO LIMIT
Porches, if unenclosed and at ground level	6 feet
Balconies and decks	4 feet
Canopies, roof overhangs	4 feet

40-3-13 **EXCEPTIONS TO HEIGHT LIMITS.**

(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the City.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street.

(See Figure 1 at the end of this Code)

40-3-14 **SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred (100) feet**), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **225 ILCS 225/1 through 225/23**, as amended from time to time;
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time;
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and regulations of the City, particularly the **Subdivision Code**.

The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the City Engineer, he is satisfied that these requirements will be met.

(Also, see Chapter 38 (Sec. 38-5-13) entitled "Utilities" of Revised Code)

40-3-15 **ACCESSORY USES.**

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

- (1) meets the definition of "accessory use" found in **Section 40-2-2**;
- (2) is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and
- (3) is in compliance with restrictions set forth in **Section 40-3-16**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. **(See Definition of "Attached" in Section 40-2-2)**

(C) Roof overhangs on accessory structures not attached to the principal structure shall not encroach more than **two (2) feet** into the required setback distance.

40-3-16 **ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(B) **Setbacks.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; provided that in the Agricultural District or in any Residential District, an accessory use may be located as close as **five (5) feet** to any side or **eight (8) feet** to any rear lot line.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the City.

40-3-17 **AREA-BULK REGULATIONS.** To facilitate public understanding of this Code, the Area-Bulk Regulation Schedule is hereby adopted and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code. The Schedule is found at the end of this Code.

40-3-18 **TEMPORARY USES.** Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. No temporary use permit shall be valid for more than **one (1) year** unless it is properly renewed. **(See Section 40-10-29)**

40-3-19 **RESERVED.**

DIVISION II - PLANNED DEVELOPMENTS

40-3-20 **PLANNED DEVELOPMENT DEFINED.** As used in this Division, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

- (A) common open space is reserved;
- (B) various housing types and other structures and uses may be mixed and/or
- (C) overall average density does not exceed the usual zoning district limit.

40-3-21 **OBJECTIVES.** This Section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-3-22 **COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.** Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning Code and the Subdivision Code.

40-3-23 **DISTRICTS WHERE ALLOWED.** Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the Zoning Board of Appeals. **(See Section 40-10-26)**

40-3-24 **PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.** The Planned Development concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Zoning Board of Appeals, provided that in approving such mixed uses, the Zoning Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Zoning Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Zoning Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Zoning Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article V** of this Code.

40-3-25 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Review of plans by Plan Commission;
- (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (D) Recommendation by Plan Commission;
- (E) Public hearing by the Zoning Board of Appeals as per the requirements of

Article X - Administration;

- (F) Decision of the Zoning Board of Appeals regarding approval/rejection of the development plan;
- (G) Recording of development plan with the County Recorder of Deeds;
- (H) Approval of City Council (if necessary).

40-3-26 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

40-3-26.1 WRITTEN DOCUMENTS.

- (A) Legal description of the total site proposed for development;
- (B) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (C) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (D) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (E) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (F) Data indicating:
 - (1) total number and type of proposed dwelling units;
 - (2) gross and net acreage of parcel;
 - (3) acreage of gross and usable open space; and
 - (4) area of any commercial uses.

40-3-26.2 GRAPHIC MATERIALS.

- (A) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (B) Proposed lot lines and plot designs;
- (C) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;

- (D) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (E) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (F) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (G) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- (H) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (I) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (J) Any additional information required by the City to evaluate the character and impact of the proposed PD.
- (K) Appropriate seals of the licensed surveyor, engineer, or architect.

40-3-27 CRITERIA CONSIDERED. The Zoning Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their decision, the Zoning Board of Appeals shall consider the following criteria:

- (A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
- (B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.
- (C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
- (D) The compatibility of the proposed PD with adjacent properties and surrounding area; and
- (E) Any other reasonable criteria that the Zoning Board of Appeals may devise.

40-3-28 DECISION BY ZONING BOARD. The Zoning Board of Appeals shall either approve or disapprove each and every Development Plan. However, the Zoning Board shall not approve any PD unless:

- (A) The developer has posted a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
- (B) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

40-3-29 CHANGES IN APPROVED PLANS. No changes shall be made to any approved PD Development Plan, except as follows:

- (A) **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- (B) All other changes shall require a public hearing before the Zoning Board of Appeals.

(C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. **(See Article X - Division V)**

40-3-30 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this section, the following shall be applicable:

- (A) The special-use permit shall be automatically revoked; and
- (B) any zoning permits shall automatically become null and void; and
- (C) all regulations applicable before the PD was approved shall automatically be in full effect.

40-3-31 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the City shall be exempt from all of the provisions of this Section.

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ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I - "A" - AGRICULTURAL DISTRICT

40-4-1 "A" - AGRICULTURAL DISTRICT. The "A" Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this District are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this District have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

40-4-2 ONE DWELLING ON ONE LOT. In the "A" District, only one (1) dwelling shall be situated on any one (1) lot.

40-4-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "A" District shall conform to the following requirements:

- | | | |
|-----|--|----------|
| (A) | Minimum Lot Area: | 3 Acres |
| (B) | Minimum Lot Width at the established building line: | 150 feet |
| (C) | Minimum Lot Depth: | 200 feet |
| (D) | Minimum Setbacks: | |
| | (1) From front lot line: | 40 feet |
| | (2) Total for both side yard lines: | 25 feet |
| | (3) From either side lot line: | 10 feet |
| | (4) From rear lot line: | 25 feet |
| | (5) From side yard abutting street: | 40 feet |
| (E) | Maximum Building Height: | 35 feet |
| | (Does not apply to accessory agricultural structures.) | |

40-4-4 PERMITTED USES. The following uses shall be permitted in the "A" - Agricultural District:

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.

Cemeteries.

Nurseries, greenhouses, temporary produce stands.

Single-family dwellings, conventionally constructed.

Accessory uses in accordance with **Section 40-3-15**.

Modular homes and pre-fabricated homes.

An underground coal mine facility, together with (a) related aboveground mining facilities, equipment, shafts, and portals, (b) related coal transportation, handling, and storage facilities and systems; and, (c) coal washing, crushing, disposal, and screening facilities and systems; provided, however, that prior to the operation of such facilities the Illinois Department of Natural Resources, Offices of Mines and Minerals shall have duly issued to the permittee all necessary permits required by it for the operation of a coal mine. **(Ord. No. 1505; 10-13-09)**

40-4-5 SPECIAL USES. The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the "A" - Agricultural District:

- Agricultural implement sales.
- Amusement facilities, such as go-cart tracks, miniature golf courses, etc.
- Animal hospitals.
- Cell towers.
- Churches and other places of formal worship.
- Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.
- Golf courses, regulation size.
- Home occupations.
- Institutions, such as convents, retreat houses, seminaries, etc.
- Kennels, commercial.
- Manufactured homes. **(See Section 40-2-2)**
- Nursing homes, sanitariums.
- Storage containers.
- Utility substations.

40-4-6 RESERVED.

DIVISION II - SINGLE-FAMILY DISTRICT (R-1)

40-4-7 "R-1" - SINGLE-FAMILY RESIDENCE DISTRICT (LARGE LOT). In the "R-1", Single-family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this District are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new single-family housing. Other types of residences (manufactured homes, immobilized manufactured homes, duplexes, apartments, etc.) are strictly prohibited in this District.

40-4-8 SPECIAL RESTRICTIONS.

(A) **One Principal Building Per Lot.** In the "R-1" District, only **one (1)** principal building shall be situated on any **one (1) lot.**

(B) **Manufactured Home Restrictions.**

- (1) No existing manufactured home in the "R-1" District shall be immobilized unless a special-use permit is granted by the Zoning Board of Appeals and installed pursuant to manufacturer's requirements.
- (2) See **Section 40-5-12** for applicable provisions.

40-4-9 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in the "R-1" District shall conform to the following requirements:

(A) Minimum Lot Area
with water and sewer: 10,000 square feet
Minimum Lot Area with Water only shall be based upon the provisions of

Section 38-5-13 of the City Code.

- (B) Minimum Lot Width at the established building line: 75 feet
- (C) Minimum Lot Depth: 100 feet
- (D) Minimum Setbacks:
 - (1) From front lot line: 20 feet
 - (2) From either side lot line: 5 feet
 - (3) From rear lot line: 8 feet
 - (4) From side yard abutting street: 20 feet
- (E) Maximum Building Height: 35 feet

*(See Section 40-3-14 of this Code.)

(F) Minimum off-street Parking Per Dwelling Unit: 2 spaces

(G) Every residence dwelling erected shall have total floor area of not less than eight hundred fifty (850) square feet.

40-4-10 PERMITTED USES. The following uses shall be permitted in the "R-1" Single-family Residential District:

Agriculture, as defined in Section 40-2-2 excluding the raising of dairy livestock, poultry and/or animal husbandry.

Single-family dwellings.

Accessory uses in accordance with Section 40-3-15.

Government uses.

Modular homes and pre-fabricated homes. (See Section 40-2-2 and 40-5-12)

40-4-11 SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with Section 40-10-24 of this Code in the "R-1" District:

Bed and breakfast establishments.

Churches and other places of worship.

Community residences, small.

Day care.

Educational institutions, schools.

Home occupations, but only in conformity with the requirements of Section 40-5-4.

Utility substations.

40-4-12 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in Section 40-2-2. (See Section 40-5-15)

40-4-13 - 40-4-20 RESERVED.

DIVISION III – "R-2" RESIDENTIAL DISTRICT

40-4-21 "R-2" - GENERAL RESIDENCE DISTRICT. The "R-2", General Residence District encompasses areas suitable for both single-family dwellings and multi-family dwellings as well as related educational, religious and recreational facilities.

40-4-22 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "R-2" District shall conform to the following requirements:

- (A) Minimum Lot Area:
 - (1) Single-family detached dwellings: 6,000 sq. ft.
- (B) Minimum Lot Width at the established building line: 50 feet
- (C) Minimum Lot Depth: 100 feet
- (D) Minimum Setbacks:
 - (1) From front lot line: 20 feet
 - (2) From either side lot line: 5 feet
 - (3) From rear lot line: 8 feet

- (4) From side yard abutting street: 20 feet
- (E) Maximum Building Height: 35 feet
- (F) Minimum Off-street Parking Per Multi-Family Dwelling Unit: 3 spaces
- (G) Every multi-family dwelling erected shall have a total floor area of not less than **seven hundred twenty (720) square feet** per unit. Every single family dwelling shall have a total floor area of not less than **twelve hundred (1,200) square feet**.

40-4-23 PERMITTED USES. The following uses shall be permitted in the "R-2" -General Residential District:

Any use permitted in the "R-1" District. (Section 40-4-10)

- Bed and breakfast.
- Churches and related religious facilities.
- Educational institutions, schools.
- Utility substations.
- Modular homes and pre-fabricated homes.

40-4-24 SPECIAL USES. The following uses may be allowed in the "R-2" District by special-use permit in accordance with Section 40-10-24:

- Auditorium, stadium, arena, armory or gymnasium.
- Group homes.
- Home occupations, but only in conformity with the requirements of Section 40-7-4.
- Hospitals or sanitariums.
- Multi-family dwellings.
- Nursery schools.
- Nursing homes.
- Professional offices.

40-4-25 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in Section 40-2-2. (See Section 40-5-15)

40-4-26 - 40-4-39 RESERVED.

DIVISION IV - MULTIPLE-FAMILY DISTRICTS (MR-1)

40-4-40 "MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT. The "MR-1", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-41 LOT AND BUILDING REQUIREMENTS. Every principal building in the "MR-1" District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the "MR-1" District shall comply with all applicable regulations of the "MR-1" District.

(A)	Minimum Lot Area	10,000 sq. ft. 2,500 sq. ft. per unit, whichever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	3 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-42 PERMITTED USES. The following uses shall be permitted in the "MR-1" - Multiple-Family Residential District:

- Any use permitted in the "R-2" District. (Section 40-4-23)
- Community residences. (See Section 40-2-2)
- Duplexes.
- Multiple-family dwellings.

40-4-43 SPECIAL USES. The following uses may be allowed in the "MR-1" District by special-use permit in accordance with Section 40-10-24:

- Convenience shops (e.g., small drugstore, food store, laundromat).
- Day care center.
- Home occupations. (See Section 40-5-4)
- Utility substations. (See Section 40-5-10)

40-4-44 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in Section 40-2-2 and 40-5-15.

40-4-45 - 40-4-50 RESERVED.

DIVISION V – MANUFACTURED HOUSING DISTRICT (MH-1)

40-4-51 "MH-1" – MANUFACTURED HOUSING DISTRICT. The "MH-1", Manufactured Housing District is primarily intended to provide areas suitable for the placement of immobilized manufactured homes on individual lots, for the establishment of manufactured home parks, and for the placement of modular or manufactured homes on individual lots. This district is intended to preserve other residential districts for site constructed dwellings.

40-4-52 **LOT OWNERSHIP.** All manufactured housing units located outside an approved manufactured home park shall be located on property owned by the owner of the manufactured housing unit.

All units shall meet the Housing and Urban Development Federal Code known as the "**National Manufactured Home Construction and Safety Standards**" or the State of Illinois standards for **modular** homes and **Chapter 23**.

40-4-53 **LOT AND BUILDING REQUIREMENTS, GENERALLY.**

NOTE: Special lot and building requirements are applicable to manufactured home parks. **(See Section 40-5-12)**

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	75 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	20 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces

40-4-54 **PERMITTED USES.** The following uses shall be permitted in the "**MH-1**" – **Manufactured Housing District:**

Any use permitted in the "**MR-1**" District. **(Section 40-4-52)**

Manufactured homes on individual lots, provided said units conform to all applicable requirements of the City Code. **(See Chapter 23)**

Modular homes. **(See Section 40-2-2)**

40-4-55 **SPECIAL USES.** The following special uses may be permitted in the "**MH-1**" District by special-use permit in accordance with **Section 40-10-24**, et seq.

Any special-use allowed in the "**MR-1**" District. **(See Section 40-4-43)**

Manufactured home parks in conformity with all applicable requirements of this Code and **Chapter 23**.

40-4-56 - 40-4-70 **RESERVED.**

DIVISION VI - GENERAL BUSINESS DISTRICTS

40-4-71 **"B-I" - GENERAL BUSINESS (DOWNTOWN).** The "B-I", General Business District primarily encompasses the long-established commercial areas of the City where a wide range of goods and services is offered to the general public at retail or wholesale. Portable or mobile (manufactured) structures may not be used for business purposes in this District.

40-4-72 USE RESTRICTIONS.

- (A) **Enclosed Buildings.** All commercial, service and storage activities shall be conducted within completely enclosed structures.
- (B) **Limited Size.** The gross floor area of any commercial or service establishment located in this district shall not exceed **three thousand (3,000) square feet.**
- (C) **Access Ways.** Any access way (driveway) to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.
- (D) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in visually-screened areas.
- (E) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

40-4-73 LOT AND BUILDING REQUIREMENTS.

- (A) Minimum Lot Area: 6,000 square feet
- (B) Minimum Lot Depth: 100 feet
- (C) Minimum Depth of side yard abutting street: 25 feet
- (D) Minimum Setbacks: Generally, none required except as necessary to comply with applicable off-street parking and loading requirements. However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district. **(See Section 40-3-8)**
- (E) Maximum Building Height: 45 feet

40-4-74 PERMITTED USES. The following uses shall be permitted in the "B-1" - General Business District:

All uses permitted in the "R-2" General Residence District. **(See Section 40-4-23).**

- Clubs and lodges.
- Commercial establishments, wholesale and retail except those listed under **Section 40-4-43.**
- Hotels, motels.
- Medical/Dental clinics.
- Offices.
- Restaurant or cafe.
- Service establishments.
- Specialty shops: gift shops, magazine, book, florist, etc.
- Theatres.
- Accessory uses in accordance with **Section 40-3-15.**

40-4-75 SPECIAL USES. The following may be permitted as special uses in the "B-1" District in accordance with **Section 40-10-24**, to-wit:

- Any use, such as drive-in restaurants, drive-in banks, service stations, etc., that offers goods or services directly to customers waiting in parked vehicles, or that sells food or beverages for consumption on the premises in parked motor vehicles.
- Amusements centers.
- Bus terminals.
- Funeral homes.
- Greenhouses.
- Hospitals.
- Liquor stores.
- Nursing homes.
- Railroad right-of-way.
- Sports bars.
- Taverns.

40-4-76 **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2.** (See **Section 40-5-15**)

40-4-77 - 40-4-80 **RESERVED.**

DIVISION VII - HIGHWAY BUSINESS

40-4-81 **"B-2" - HIGHWAY BUSINESS DISTRICT.** The "B-2", Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses, both retail and wholesale, draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading. Portable or mobile (manufactured) structures may not be used for business purposes in this District.

40-4-82 **USE RESTRICTIONS.**

(A) **Refuse Containers.** All refuse generated by facilities located within this District shall be stored in tightly covered containers placed in visually-screened areas.

(B) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening at least **six (6) feet** high, which completely blocks the view from the adjacent residential property shall be installed. The screening shall be approved by the Zoning Administrator.

(C) **Parking. See Article VII.**

(D) **Signs. See Article VI.**

40-4-83 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "B-2" Highway Business District shall conform to the requirements indicated below:

- (A) Minimum Setbacks:
 - (1) From front lot line:* 20 feet
 - (2) Side Yards:
 - (a) Minimum total setback from abutting street: 15 feet
 - (b) Minimum setback from either side lot line: 10 feet
 - (3) From rear lot line: 10 feet
- (B) Maximum Structure Height: 35 feet
- (C) Minimum Lot Size 10,000 square feet

(*See **Section 40-3-11**)

40-4-84 **PERMITTED USES.** Provided all the use restrictions of the "B-2" District are observed, the following uses are permitted: (**See Section 40-4-82**)

Any use permitted in the "B-1" District, except residential uses. (**See Section 40-4-42**)

Commercial establishments, any type, including drive-in facilities.

Such uses as the following are especially appropriate in this District:

- bowling alleys
- furniture and appliance sales
- greenhouses
- lumber and building supplies sales
- motor vehicles sales
- recreational vehicles sales

Grocery stores or supermarkets.

Offices.

Nursing homes.

Service establishments, any type, including drive-in facilities.

Such uses as the following are especially appropriate in this District:

- animal hospitals
- banks and other financial institutions
- motels
- motor vehicles services
- restaurants
- service stations

Accessory uses in accordance with **Section 40-3-15**.

40-4-85 **SPECIAL USES.** Provided all the use restrictions of the "B-2" District are observed, the following uses may be allowed by special-use permit. (**See Section 40-4-82**)

Bus terminals and bus transportation facilities.

Drive-in theaters.

Liquor stores.

Research and development facilities not involving explosives, flammable gases or liquids, or live animals.

Residential uses permitted in "R-2" District. (**See Section 40-4-24**).

Taverns.

Warehousing and wholesaling of any goods except explosives, flammable gases, or live animals.

40-4-86 **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2**. (**See Section 40-5-15**)

40-4-87 **RESERVED.**

DIVISION VIII - INDUSTRIAL DISTRICT

40-4-88 **"I-1" - INDUSTRIAL DISTRICT.** The "I-1", Industrial District is intended to provide for areas where industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-4-89 **USE RESTRICTION.**

(A) **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **six (6) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this District abuts any residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

40-4-90	<u>LOT AND STRUCTURE REQUIREMENTS.</u>	
(A)	Minimum Lot Area:	20,000 square feet
(B)	Minimum Lot Width at the established building line:	125 feet
(C)	Minimum Lot Depth:	150 feet
(D)	Minimum Setbacks:	
	(1) From front lot line:	25 feet
	(2) From any side lot line:	25 feet
	(3) From rear lot line:	25 feet
(E)	Maximum Structure Height:	60 feet

40-4-91 **PERMITTED USES.** Provided all the use restrictions of the "**I-1**" District are observed, the following uses are permitted: **(See Section 40-4-53)**

- Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives, flammable gases or liquids or live animals are not involved.
- Freight and bus terminals and related mass transportation facilities.
- Research and development facilities not involving explosives, or flammable gases or liquids.
- Service stations.
- Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.
- Utility substations or government uses.
- Accessory uses in accordance with **Section 40-3-15.**

40-4-92 **SPECIAL USES.** The following uses may be permitted as special-uses in the "**I-1**" District by special-use permit in accordance with **Section 40-10-24**, to-wit:

Any permitted use in the "**B-1**" or "**B-2**" Districts. **(See Sections 40-4-75 and 40-4-85)**

- Asphalt manufacturing.
- Bulk-fertilizer sales.
- Commercial extraction (quarry) of gravel, sand, stone, etc.
- Incinerator or rendering works.
- Manufactured Structures - for non-residential use.
- Planned Development.
- Radio and television station.
- Rubber.
- Slaughter house.
- Storage containers.
- Sulphuric, nitric, etc. manufacturing.

40-4-93 - 40-4-95 **RESERVED.**

DIVISION IX – FLOOD PLAIN DISTRICT

40-4-96 **"O-FP" – FLOOD PLAIN OVERLAY DISTRICT.** The "O-FP", Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the City subject to special requirements.

In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this Section are intended to restrict permitted development in flood plains to:

- (A) Uses which inherently have low flood damage potential and

(B) to other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

40-4-97 PERMITTED AND/OR SPECIAL USES. This overlay district has no effect on the classification, whether permitted, special, or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

40-4-98 ADDITIONAL RESTRICTIONS. All uses, whether permitted or special, that are located in the area covered by the "**O-FP**", **Overlay District** shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To assure such protection, the Administrator, following consultation with technically-qualified persons, may require as necessary:

- (A) Anchorage or addition of weight to structures to resist flotation;
- (B) installation of watertight doors and bulkheads;
- (C) use of special paints, membranes, mortars so as to reduce seepage through walls.
- (D) installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (E) reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (F) installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (G) location of electrical equipment and appliances above the level of the regulatory flood elevation;
- (H) location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc., above the regulatory flood elevation;
- (I) filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or
- (J) any other reasonable flood protection measures.

In no case shall the Zoning Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of floodwater leaving the lot in question.

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ARTICLE V - ADDITIONAL SUPPLEMENTARY REGULATIONS

40-5-1 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 **AGRICULTURAL ACTIVITIES.**

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **three hundred (300) feet** to any existing dwelling, or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line or residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

(C) **Barbed Wire/Electrical Fences.** [See Section 40-7-3(A).]

40-5-3 **FENCES, WALLS.**

(A) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in the City, unless a special use permit is granted. Agricultural districts are exempt from the paragraph.

(B) No fence, wall, or other obstruction shall be erected within any public right-of-way or utility easement, except by written permission of the Zoning Administrator.

(C) No fence, wall, or other obstruction shall be erected in violation of the **Illinois Drainage Code, 70 ILCS 605/2-1 through 2-13**, as amended from time to time.

(D) Fences, walls, and hedges in any district may be located on lot lines, provided such fences, walls and hedges exceeding **six (6) feet** in height shall be subject to the minimum yard requirements of the district in which such fences are located.

(E) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. [See Section 40-3-13(B)]

40-5-4 **HOME OCCUPATIONS.**

(A) **Limitations on Use.** A home occupation shall be considered a special use in any residence district, provided the home occupation is subject to the following limitations.

- (1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there, and no others.
- (2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
- (3) The total area used for the home occupation shall not exceed **one-half (1/2)** the floor area of the user's living unit.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the

accessory building and shall not exceed **two (2) square feet** in area and which shall not be illuminated.

- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the Registrar of Deeds for the County, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

- (1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. **(See Section 40-10-26)**
- (2) A hearing upon the application shall be held in accordance with the rules and regulations of the Zoning Board of Appeals.

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

40-5-5 JUNK YARDS.

(A) No part of any junk yard, which includes any lot which **three (3)** or more inoperable vehicles are stored, shall be located closer than **five hundred (500) feet** to the boundary on be of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.
(See Chapter 7; Article IV of City Code and definition of "Junk Yard", Section 40-2-2)

40-5-6 NURSING HOMES.

(A) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(B) The principal building of any nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

40-5-7 RECREATIONAL VEHICLES. The regulations of this Section do not apply to

travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of the **Manufactured Housing Code**. The requirements of paragraphs (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

- (A) Not more than **two (2) travel trailers** or recreational vehicles shall be parked on any lot. They shall not be parked on a street.
- (B) No travel trailer or other recreational vehicle shall be used as a dwelling.
- (C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- (D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.
- (E) No travel trailer or other recreational vehicle shall be parked on any front yard.
- (F) No unlicensed manufactured home may be located in a travel trailer or recreational vehicle park.
- (G) No travel trailer shall be parked in a required front yard.
- (H) No trailer or other type recreational vehicle shall be parked on a public street or alley for more than a **seventy-two (72) hour** period.

40-5-8 **SERVICE STATIONS.**

- (A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.
- (B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park or playground, and at least **thirty (30) feet** from any intersection of public streets.
- (C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
- (D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- (E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year period**, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.
- (F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

40-5-9 **SWIMMING POOLS.**

- (A) No private swimming pool shall be located in any front yard nor closer in distance to any side or rear lot line than those set back distances established by the accessory use restrictions of **Section 40-3-16** (as that provision is or may be amended). **(Ord. No. 1294; 02-08-00)**
- (B) Every swimming pool that is more than **two (2) feet** deep shall be enclosed by a wall or fence being flush to the ground and at least **six (6) feet** in height, with the passage through such wall or fence being equipped with a gate or door secured with a locking device.
 - (1) In the event that the location of the pool is such that a fence is impossible to install or not feasible by reason of topography or other good reason, a locking pool cover may be installed in place of said fence or wall.
 - (2) A fence securely attached to the top edge of the pool itself and extending to a total height of **six (6) feet** from the ground, with the required locking door or gate for ingress/egress as set forth above, shall be acceptable.
- (C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible. **(Ord. No. 1611; 03-24-15)**

40-5-10 UTILITY SUBSTATIONS. Every electrical substation*, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.

(C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are transformers exposed), he shall require that a secure fence at least **ten (10) feet** in height be installed behind the planting screen.

*This term does not include a single residential transformer.

40-5-11 LIGHTING CONTROLS. Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

40-5-12 MANUFACTURED HOMES. The following requirements are supplementary to the Illinois Manufactured Home Parks laws as contained in the **210 ILCS 115/1 through 115/27**, and the Rules and Regulations adopted by the Illinois Department of Public Health pursuant thereto.

(A) **Manufactured Homes - Individual.**

- (1) It shall be unlawful for any person to maintain any manufactured home, trailer, used for human habitation upon any parcel of land in the City or within its jurisdictional limits, except in a licensed manufactured home park.
- (2) Manufactured homes shall be utilized only as a dwelling unit for owner or renter occupancy.
- (3) No manufactured home shall be brought into or placed anywhere on individual lots within the City.
- (4) All existing manufactured homes shall be skirted and anchored.
 - (a) Specifically, skirted with fire resistant material. Skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home; and
 - (b) Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every manufactured home stand or as otherwise necessary for protection against high winds. The anchors shall be firmly attached to straps which extend over the manufactured home at each end. The straps shall consist of material capable of stabilizing the dwelling during high winds. Straps shall be firmly attached to the manufactured home. Every manufactured home shall be securely tied down to anchors.
- (5) All manufactured homes shall be connected to all available public utilities in accordance with all requirements for any residential structures in the City, shall be appropriately skirted, and shall conform to all requirements that are applicable to conventionally constructed dwelling units in the "R" District.
- (6) Any existing manufactured home situated within the City or within its jurisdictional limits but not in a manufactured home park on or before **September 10, 1991**, shall, if in conformity with all sewer, water, sanitation and health codes of the City be permitted to remain at its

present location, but may not be replaced by another manufactured home unit or removed to another location except in conformity with the provisions of this Code. **(Ord. No. 1125; 9-10-91)**

(a) Except as otherwise provided herein, it shall be unlawful to occupy for sleeping or other residential purposes, any manufactured home, mobile home, or trailer not located in a manufactured home park, and any such unit unoccupied for a period of **six (6) months** shall be removed from its location. **(Ord. No. 1125; 09-10-91)**

(b) It shall be unlawful, within the limits of the City, for any person to park any manufactured home, mobile home, or trailer on any street or other public place or on any tract of land owned by any person, occupied or unoccupied, within the City except as provided in this Code. **(Ord. No. 1125; 09-10-91)**

(B) **Manufactured Home Parks and Courts.**

(1) After **April 1, 1993**, no manufactured home park and/or court shall be operated within this City without having first obtained a permit to operate from the Illinois Department of Public Health.

(2) Manufactured home parks and/or courts shall be permitted by a special use permit only and shall meet the following requirements:

(a) shall be located on a tract of land not less than **two (2) acres**.

(b) shall contain at least **three (3) manufactured homes**.

(c) **Minimum Lot Size and Setback Requirements.** Individual manufactured home spaces shall be considered as lots and shall meet the following requirements:

1. Minimum lot size: 8,000 sq. ft.

2. Minimum lot depth: 120 feet

3. Minimum lot width: 65 feet

4. Minimum setback requirements from
 a. front lot line 20 feet
 b. rear lot line 20 feet
 c. side lot line 8 feet on one side, 20 feet on the other side.

5. Minimum distance to a building on an adjacent lot: 16 feet

(d) Shall be skirted and anchored as per **Section 40-5-12(A)(4)(a and b)**.

(e) **Two (2)** off-street parking spaces shall be provided per manufactured home.

(f) No access way may dead-end except as a cul-de-sac with appropriate turn-around space for emergency vehicles.

40-5-13 PUBLIC BUILDINGS. In any district where municipality owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or agricultural district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In any residential, agricultural or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

40-5-14 PARABOLIC OR DISH-TYPE ANTENNAS: REQUIREMENT. Parabolic or dish-type antennas located outside of the business or residence shall meet the following requirements:

(A) Maximum number per business lot or residence lot shall be **one (1) antenna**. Businesses selling these dishes shall be allowed a maximum of **three (3)** and only **one (1)** of these shall be allowed in front of the building.

(B) The parabolic or dish-type antenna shall be located in the rear yard, except that when the main building is on a corner lot, the parabolic or dish-type antenna cannot be closer to the adjoining side street than the main building is permitted to be located.

(C) The parabolic or dish-type antenna shall be placed in the rear yard, except that if a usable satellite signal cannot be obtained from the rear yard, the antenna may be located on the side yard of the property, subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.

In the event that a usable satellite signal cannot be obtained from the rear or side yard of the property, such antenna may be placed on the roof of a structure subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.

(D) Screening shall be as deemed necessary by the Zoning Administrator for commercial installations.

(E) All parts of the parabolic or dish-type antenna structure must be a minimum of **three (3) feet** from all property lines of the lot.

(F) The parabolic or dish-type antenna shall be mounted on a steel pipe support embedded in a concrete foundation, and the parabolic or dish-type antenna, when turned perpendicular to the ground, together with the base, shall not extend more than **fifteen (15) feet** above the ground. The main diameter of the parabolic or dish-type antenna shall not exceed **eleven (11) feet**.

(G) All petitions for a variance from the provisions of this Section shall be heard by the Zoning Board of Appeals and as provided in **Article X, Division III**.

(H) A Zoning Occupancy Permit shall be required prior to erection of any such parabolic or dish-type antenna.

(I) No parabolic or dish-type antenna shall be roof mounted unless the dish is **six (6) feet** or less in diameter and is mounted on the rear portion of the roof.

(J) No parabolic or dish-type antenna shall be used or serve as a sign for the purpose of advertisement by a business or commercial unit.

(K) **Nuisance and Injunction.** Any violation of this Section is hereby declared to be a nuisance. In addition to any other relief provided by this Code, the City Attorney may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(L) This Section shall not apply to any existing parabolic or dish-type antennae which have been installed prior to the effective date of this Code.

40-5-15 STORAGE CONTAINERS. It shall be unlawful to locate in this City an accessory use known as a storage container consisting of either a railroad or train car, a truck body or shell or a truck trailer, licensed or unlicensed, on any lot in the City, unless the lot is in a zoned industrial district. All containers shall be closed and be secured when not in use. They shall meet all setbacks prescribed for accessory uses and located on a permanent foundation. The Zoning Administrator may submit all applications for a "storage unit" to the Zoning Board of Appeals if he feels that the unit is not consistent with this Section.

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ARTICLE VI - SIGN REGULATIONS

40-6-1 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

40-6-2 **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

one (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

40-6-2.1 **DEFINITION OF SIGN AREA.** As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign. **(See Figures 3 and 4 at End of Code)**

40-6-2.2 **SPECIAL SITUATIONS.**

(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of signs than would be permitted by application of the formula set forth above.

(B) The side of an establishment adjacent to an off street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-6-3 **SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.**

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

40-6-4 **ILLUMINATION.** Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

40-6-5 **NONCONFORMING SIGNS.** A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

40-6-6 **RESTRICTIONS.** Any nonconforming sign as defined in **Section 40-6-5** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

40-6-7 **STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the City:

(A) Mobile/Portable Marquees; except that they may be permitted as a temporary sign. **(See Section 40-6-11)**

(B) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(C) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Roof-mounted signs, that project or protrude above the highest point of the roof.

40-6-8 **SIGNS PERMITTED IN ANY DISTRICT.** Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the City. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. **(See Section 40-6-2)**

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet**; on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In all zone districts, political signs shall not exceed **eight (8) square feet**. Political signs shall not be displayed more than **forty-five (45) days** prior to and must be removed within **seven (7) days** after the election to which they pertain, by the party responsible for their erection. No signs shall be placed on public rights-of-way.

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet**. Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(F) **Governmental, Public, and Directional Signs:** Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(H) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(I) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: Such signs shall not exceed **two (2) square feet** for single-family dwellings, nor **six (6) square feet** for multiple-family dwellings.

(L) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

40-6-9 **AGRICULTURAL; RESIDENTIAL DISTRICTS.** No sign other than those listed in **Section 40-6-8** shall be erected in the Agricultural District or in any Residential District.

40-6-10 **BUSINESS; INDUSTRIAL DISTRICTS.** No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-6-2 and 40-6-8**.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

40-6-10.1 **FLUSH-MOUNTED SIGNS.** No flush-mounted (wall) sign shall:
 (A) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or
 (B) Extend above the roof line of the building to which it is attached.

40-6-10.2 **WINDOW SIGNS.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.

40-6-10.3 **PROJECTING SIGNS.** No establishment shall display more than **one (1) projecting sign** on any street front. No projecting sign shall:
 (A) Project above the roof line of the building to which it is attached; or
 (B) Extend below a point **eight (8) feet** above the ground or pavement; or
 (C) Project over a driveway or beyond the curbline of any public street; or
 (D) Project more than **four (4) feet** from the building to which it is attached; or
 (E) Extend to a point above **twelve (12) feet**.

40-6-10.4 **CANOPY OR MARQUEE SIGNS.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Subsection**

40-6-10.1. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Subsection 40-6-10.3.**

40-6-10.5 **FREESTANDING SIGNS.** No establishment shall display more than **one (1) freestanding sign** on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

(A) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right of-way line.

(B) The area of any freestanding sign, calculated in accordance with **Subsection 40-6-2.1** shall not exceed **one hundred (100) square feet.**

(C) When attached to its structural supports, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement.

(D) The length or width of any freestanding sign shall not exceed **twelve (12) feet.**

40-6-10.6 **BILLBOARDS.** Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

(A) Be stacked on top of another billboard; or

(B) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or

(C) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or

(D) Extend more than **twenty (20) feet** above the ground or pavement;

(E) Exceed **three hundred (300) square feet** in area.

40-6-11 **TEMPORARY SIGNS AND BANNERS.**

(A) **Time Limits.** Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days.** Any further time extension shall thereafter be applied for through Zoning Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. **(See Sections 40-3-18 and 40-10-29)**

(B) All forms of display banners placed or located at business district establishments shall be considered temporary just like the signs that are located on public sidewalks or right-of-ways. There shall be no more than **three (3) banners** for any one business and it shall require a special permit from the Zoning Administrator. The permit for the banner shall be subject to the time limit provisions of paragraph (A) of this Section.

40-6-12 **PENALTY.** Any violator of this Article shall be subject to a fine of up to **Seven Hundred Fifty Dollars (\$750.00).** **(Ord. No. 1718; 10-12-21)**

ARTICLE VII - OFF-STREET PARKING AND LOADING

40-7-1 **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-7-2 **EXISTING PARKING/LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading spaces need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking and loading spaces commensurate with such intensification shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, off-street parking or loading facilities shall be provided as required herein for such new use.

40-7-3 **PARKING LOT DESIGN STANDARDS.** All off-street parking lots shall conform to the standards indicated in the subsections which follow:

NOTE: Standards applicable to all parking areas are indicated by one asterisk (*); standards applicable to all parking areas except those accessory to single- or two-family dwellings are indicated by two asterisks (**).

40-7-3.1 **SPACES.**

(A) Every off-street parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.(*)

(B) Markings shall be laid and restored as often as necessary to clearly delineate each parking space.(**)

40-7-3.2 **INTERIOR AISLES.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty degree (60°)** parking shall be at least **eighteen (18) feet** wide.(**)

40-7-3.3 **ACCESS WAYS.**

(A) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.(*)

(B) No access way to any parking lot shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.(*)

(C) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.(*)

(D) The access way to every parking lot located in any business district or in the Industrial District shall be at least **twenty-four (24) feet wide** unless **two (2)** one-way drives, each **twelve (12) feet wide** are provided.**)

(E) The access way to every parking lot located in any residential district or in the Agriculture District shall be at least **ten (10) feet wide**; but if the parking area is longer than **one hundred (100) feet**, access shall be provided either by one two-way drive at least **twenty (20) feet wide** or by two one-way drives, each at least **ten (10) feet wide**.*)

40-7-3.4 SURFACING. Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches thick**, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. **(Note: "Oil and chip" is not comparable material.)****)

40-7-3.5 LIGHTING. Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.*)

40-7-3.6 LANDSCAPING. In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20) or more** parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.**)

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20) or more** parking spaces.

(B) The landscaping plan shall include the following information:

- (1) Proposed type, amount, size, and spacing of plantings, including trees, shrubbery, and ground cover;
- (2) Proposed size, construction materials, and drainage of landscaped islands; and
- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

40-7-4 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings:**

- (1) Parking spaces accessory to any dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any required front yard or required side yard adjacent to a street except in the driveway, but may be located in the side or rear yards.
- (2) Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area; provided that this requirement shall not be applicable to two-family dwellings.

(B) **For Business/Industrial Uses.**

- (1) Every off-street parking space accessory to any business or industrial use shall be located within **five hundred (500) feet** of the use served; provided that no portion of any parking lot for non-residential uses shall extend into any residential district or into the Agriculture District, except by written permission of the Administrator.

- (2) In any business district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

40-7-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size of Space.** Every off-street loading space shall be at least **twelve (12) feet wide and forty-five (45) feet long** exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet wide**.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip")**

(D) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton cargo** capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of way of **two (2) or more** streets, and not on any required front yard.

40-7-6 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based the number on of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees,"** unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1) parking space**.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-7-7 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) <u>Dwellings, Lodgings:</u>		
Motels, Boarding houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Manufactured homes & Immobilized homes	2 spaces per unit	Not Applicable
Multi-family dwellings	3 spaces per dwelling unit	Not Applicable
Single-family & two-family dwellings	2 spaces per dwelling unit	Not Applicable
(B) <u>Educational, Institutional, Recreational:</u>		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
Libraries, museums	1 space per 500 sq.ft. of floor area	On review by the Administrator
Nursing homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift.	To 50,000 sq. ft. of floor area....1 space; 50,001-100,000 sq. ft... 2 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
Senior High	1 space for every 4 students that the building is designed to accommodate plus employee parking.	On review by the Administrator
(C) <u>Commercial, Office, Service:</u>		
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq.ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 2 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Financial Institutions		
Walk-in	1 space per 300 sq. ft of floor area, plus employee parking.	
Drive-in	5 spaces per teller Window	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area ... none required; 30,001 to 100,000 sq. ft.....1 space
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable, except as required for affiliated uses
Car Wash	3 spaces per wash lane	Not applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area...2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home Occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001 - 100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater	Not applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Restaurants; Refreshment stands		(Both sit-down and drive-in): 1 space per structure having 10,000 sq. ft. or more floor area
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	
Drive-in	1 space per 25 sq. ft. of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Theaters		Not applicable
Indoor	1 space per 4 seats	
Drive-in	On review by the Administrator	
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles... 1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 spaces. More than 25,000 sq. ft. of floor area and open lot area... 2 spaces, plus 1 additional space per 25,000 sq. ft. excess of 25,000 sq. ft.
(D) <u>Industrial:</u>		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces;
above	per 25 employees on the major shift	90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

ARTICLE VIII - NONCONFORMITIES

40-8-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-8-2 **NONCONFORMING LOTS.** If the Zoning Board of Appeals approves a variance for any vacant lot that does not conform to **one (1)** or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto);
- (B) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- (C) is at least **fifty (50) feet** wide.

40-8-2.1 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-8-3 **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions.

- (A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- (B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.
- (C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it will be situated.
- (D) **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of the loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a

licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

As an alternative, the market value may be determined by the Administrator by using the "**state equalized assessed value**" multiplied by the number three (3).

The provisions of paragraph (D) shall not apply to single-family dwellings.

40-8-4 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Code, but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement --- Alteration --- Reconstruction---Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed, or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No non-conforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) **Discontinuance of Use.** When a nonconforming use of a structure or of a structure and premises in combination is discontinued for **twenty-four (24) consecutive months**, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-8-5 NONCONFORMING USES OF LAND. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year period**, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-8-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE IX - ADMINISTRATION AND ENFORCEMENT

40-9-1 ZONING ADMINISTRATOR. The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To review applications pertaining to land, structures and the uses of land and/or structures;
- (B) To issue or deny certificates of zoning compliance;
- (C) To inspect lots, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;
- (D) To review and forward to the Zoning Board of Appeals all appeals and applications for variances, special-use permits, and amendments;
- (E) To maintain up-to-date records of matters related to this Code, including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Zoning Board of Appeals, amendments and all applications/documents related to any of these items;
- (F) To republish the zoning district map not later than **March 31st** if any rezonings or annexations have been approved during the preceding calendar year; **(See Section 40-3-3)**
- (G) To provide information to the general public on matters related to this Code; and
- (H) To perform such other duties as the City Council may prescribe from time to time.
- (I) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year;
- (J) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary.

40-9-2 CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until a certificate of zoning compliance has been issued. The Administrator shall not issue a certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Code.

40-9-3 APPLICATION FOR INITIAL CERTIFICATE OF ZONING COMPLIANCE AND PERMIT TO CONSTRUCT. Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until the applicant for an Initial Certificate of Zoning Compliance and Permit to Construct has obtained such permit pertaining to such work. Every applicant for such permit shall submit to the Zoning Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Zoning Administrator shall decide which items are applicable. **(NOTE: Fee required.) (Ord. No. 1294; 02-08-00)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;

- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height, setbacks, and lot coverage of the proposed structures;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (L) Location and square footage of existing and proposed signs by type and class.

40-9-4 DURATION OF CERTIFICATE. The application for certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew the application for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. **(Filing Fee Required.)**

40-9-5 ARCHITECTURE PRACTICE ACT REQUIREMENTS. The City in compliance with the Illinois Architecture Practice Act of 1989 and effective **January 1, 1992 (225 ILCS 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a license architect.

40-9-6 FINAL CERTIFICATES OF ZONING COMPLIANCE. The Zoning Administrator shall not issue a Final Certificate of Zoning Compliance until it has been determined, **by inspection**, that:

- (A) The development or construction of such lot or structure has been completed in accordance with plans approved at the time the application was issued; and
- (B) The lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this Code.

Final Certificates of Zoning Compliance shall be issued free of charge.

40-9-7 CORRECTIVE ACTION ORDERS. Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Chapter, he shall so notify the responsible party, and shall order appropriate corrective action.

40-9-8 CONTENTS OF ORDER. The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial action necessary to effect compliance;
- (D) The date by which the violation must be corrected;
- (E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (F) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.
- (H) A statement of the penalties attached to any violation of this Code.

40-9-9 SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A) Served upon him personally;
- (B) Sent by certified mail to his last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

40-9-10 STOP ORDERS. Whenever any work is being done in violation of the Initial Certificate of Zoning Compliance and Permit to Construct, the Administrator's corrective action order may state that the violation be stopped immediately. (The Administrator's stop-work order may be served on any person engaged in or responsible for such work, or may be posted in a conspicuous place on or about the affected premises. Failure to abide by a stop-work order shall be deemed a separate violation of this Code.)

40-9-11 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The Administrator shall take no such action until he has consulted with the City Attorney.

40-9-12 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-9-13 FEES. The City Council establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the City Clerk as follows:

(A)	<u>Fees:</u>	
Single-Family Residence		\$150.00
Multi-Family Residence		\$150.00
Commercial or Business Structure		\$250.00
Industrial Structure		\$300.00
Mobile Home Unit/Immobilized		\$30.00
Accessory Building		\$30.00 per building
(larger than 100 sq. ft.)		
Structural Additions		\$50.00
Plan Development		\$625.00
Manufactured Home Park Permit		\$625.00
Miscellaneous Permit (i.e. Parking Lot, Deck Driveway, etc.)		\$25.00
Sign Permit		\$25.00

All fees for the above projects that are started prior to obtaining the Zoning Occupancy Permit and/or paying the fees shall be doubled.

(B) **Zoning Board of Appeals Fees:**

Interpretation of Code (Appeal)	\$35.00, plus mailing and publication costs.
Special-use Permit	\$35.00, plus mailing and publication costs.

Variance Permit	\$35.00, plus mailing and publication costs.
Amendments	\$35.00, plus mailing and publication costs.

(Ord. No. 1492; 01-27-09)

[NOTE: Building permit fees, if any, will be found in Chapter 6.]

40-9-14 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE X - ADMINISTRATION

DIVISION I - BOARD OF APPEALS

40-10-1 **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals is hereby established in accordance with Illinois law. **(65 ILCS 5/11-13-3)**

40-10-2 **MEMBERSHIP, APPOINTMENT, COMPENSATION.** Upon the effective date of this amended Code, the Zoning Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within the City. **Three (3) members** shall be appointed for **five (5) year** terms, **two (2)** shall be appointed for **four (4) year** terms, and **two (2)** shall be appointed for **three (3) year** terms. Upon completion of the above stated terms, all members shall serve according to **Section 40-10-3**. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. The Zoning Board shall select **one (1) member** of the Board to be the Vice-Chairman and **one (1)** the Secretary. **(Ord. No. 1294; 02-08-00)**

40-10-3 **TERM OF OFFICE, ATTENDANCE, VACANCIES.** Every member of the Zoning Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Zoning Board of Appeals established by this Section until the date his term of office expires. Once the staggered terms created by **Section 40-10-2** have run, all members appointed or re-appointed shall serve a term of **five (5) years** from the date of his appointment and until his successor has been selected and qualified.

Attendance of Board members is preferred and the failure to any member to attend a majority of the meetings called, without prior reasonable notice to the Zoning Administrator, shall be deemed to have resigned his appointment subject to the appointment provisions of **Section 40-10-2**.

With the advice and consent of the City Council, the Mayor may remove any member of the Zoning Board of Appeals for cause after a public hearing. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members. **(Ord. No. 1294; 02-08-00)**

40-10-4 **MEETING-QUORUM.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action. **(See Section 40-10-6)**

40-10-5 **RECORDS.** The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately with the City Clerk and shall be a public record.

40-10-6 **DECISIONS.** The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to grant a variance or special-use permit or to recommend an amendment to the City Council. The order of the Zoning Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the applicant.

40-10-7 **PERIOD OF VALIDITY.** No decision granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. The Zoning Board of Appeals may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-10-8 **FINALITY OF DECISIONS OF THE BOARD OF APPEALS.** All decisions of the Zoning Board of Appeals, on appeal or upon application for a variation shall, in all instances, be final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Statutes. No applicant shall apply for the same or identical request for a period of **one (1) year** unless the facts and/or request have substantially changed.

40-10-9 **OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS.** The Secretary of the Zoning Board of Appeals shall be appointed by the Board to serve until a successor is appointed. The Secretary shall record the minutes of the Zoning Board of Appeals' proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. He shall perform such other duties as may be assigned from time to time by the Zoning Board of Appeals.

40-10-10 **JURISDICTION OF BOARD.** The Zoning Board of Appeals has the power to hear and decide appeals, variances and requests for special-use permits pursuant to this Code. It has the power to hear and recommend requests for amendments to this Code.

40-10-11 **RESERVED.**

[NOTE: Zoning Board discussions cannot be held in a closed session as the Board is a quasi-judicial body.]

DIVISION II - APPEALS

40-10-12 **NATURE OF AN APPEAL.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law (**65 ILCS 5/11-13-12**) and the provisions of this Section. (**65 ILCS 5/11-13-3(D)**)

ED. NOTE: The appeal shall be taken within forty-five (45) days from the action sought to be appealed.

40-10-13 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** as per State law. Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case. (**NOTE: Filing fee required.**) (**65 ILCS 5/11-13-14**) (**70 ILCS 405/22.02A**)

40-10-14 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(65 ILCS 5/11-13-12)**

40-10-15 **PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By publication in a newspaper of general circulation within this Municipality; and
(65 ILCS 5/11-13-12)
- (B) By first-class mail to all owners of property contiguous to any property affected by the appeal; and
- (C) By certified mail to the applicant.

40-10-16 **DECISION BY BOARD OF APPEALS.** The Board shall be required to decide all appeals within **thirty (30) days** after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him and he shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Board.

ED. NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the Zoning Administrator. (65 ILCS 5/11-13-2(D))

40-10-17 **RESERVED.**

DIVISION III - VARIANCES

40-10-18 **VARIANCES.** A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 40-10-30.**

40-10-19 **APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Fee required.) [70 ILCS 405/22.02(A)]**

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific, explanation of the desired variance;
- (F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a hardship; and description of adjacent lots, structures,
- (G) Any other pertinent information that the Administrator may require.

[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.] (70 ILCS 405/22.02A)

40-10-20 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant and
- (B) By publication in a newspaper of general circulation within the Municipality.
- (C) By first-class mail to all owners of property that is contiguous to the premises of the proposed variance. **(65 ILCS 5/11-13-7)**

40-10-21 STANDARDS FOR VARIANCES. The Zoning Board of Appeals shall not grant any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties or hardship to the applicant. More specifically the Board shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

- (A) The property in question cannot yield a reasonable return if the district regulations are strictly applied; and
- (B) The plight of the applicant is due to peculiar circumstances not of his own making;
- (C) The variance, if granted, will not be detrimental to the public health, safety, and welfare.
- (D) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (E) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Municipality's comprehensive plan. **(65 ILCS 5/11-13-4)**

40-10-22 DECISION BY BOARD OF APPEALS. The Zoning Board shall be required to decide all applications within **thirty (30) days** after the final hearing thereon. A certified copy of the Zoning Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him. He shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Zoning Board. The Zoning Board shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Zoning Board's reasons for granting or denying any requested variance.

40-10-23 RESERVED.

DIVISION IV - SPECIAL USES

40-10-24 **SPECIAL-USE PERMITS.** This Code divides the City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Zoning Board of Appeals.

40-10-25 **APPLICATION.** Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Zoning Board of Appeals for further consideration. **(NOTE: Fee required in Section 40-9-7)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of the proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require.
- (M) Location of any signs.

40-10-26 **PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
 - (B) By publication in a newspaper of general circulation within this Municipality.
 - (C) By first-class mail to all owners of property that is contiguous to the premises of the proposed special-use.
- (65 ILCS 5/11-13-7)**

40-10-27 **SPECIAL USE, FACTORS CONSIDERED.** Within **thirty (30) days** after the public hearing, the Zoning Board of Appeals shall reach a final decision. In deciding the Zoning Board of Appeals shall consider the following factors:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B) Whether the proposed special use is consistent with this Municipality's comprehensive plan, if any;
- (C) The effect the proposed special use would have on the value of neighboring property and on this Municipality's overall tax base;
- (D) The effect the proposed special use would have on public utilities and on the traffic circulation on nearby streets; and
- (E) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

40-10-28 **DECISION - FINDINGS OF FACTS.** The Zoning Board of Appeals shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with State Law, the Zoning Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and their findings of fact in another statement. The findings of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Zoning Board of Appeals' reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. **(65 ILCS 5/11-31-11)**

40-10-29 **TEMPORARY USE PERMITS: PROCEDURE FOR.** As set forth at **Section 40-3-18**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Zoning Board of Appeals shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

DIVISION V - AMENDMENTS

40-10-30 **AMENDMENTS.** The City Council may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the City Council, the Zoning Board, the Plan Commission, the Zoning Administrator or any party in interest. **(65 ILCS 5/11-13-14)**

40-10-31 **FILING.** Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said proposal, together with any comments or recommendations he might wish to make to the Board of Appeals for a public hearing. **(NOTE: Fee required.)**

[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.] (70 ILCS 405/22.02A)

40-10-32 **PUBLIC HEARING - NOTICE.** The Board of Appeals shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within the Municipality.

(C) By first-class mail to all owners of property that is contiguous to the premises of the proposed amendment variance.
(65 ILCS 5/11-13-7)

40-10-33 **ADVISORY REPORT - FINDINGS OF FACT.** Within **thirty (30) days** after the public hearing, the Board of Appeals shall submit their advisory report to the City Council. The report shall state the recommendations of the Board of Appeals regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned.

40-10-34 **ACTION BY CITY COUNCIL.** The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board of Appeals. Without further public hearing, the City Council may approve or disapprove any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

40-10-35 **WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED.** The favorable vote of at least **two-thirds (2/3)** of the members of the City Council is required to pass an amendment to this Code in each of the following instances:

- (A) When passage would be contrary to the recommendation of the Board of Appeals.
- (B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

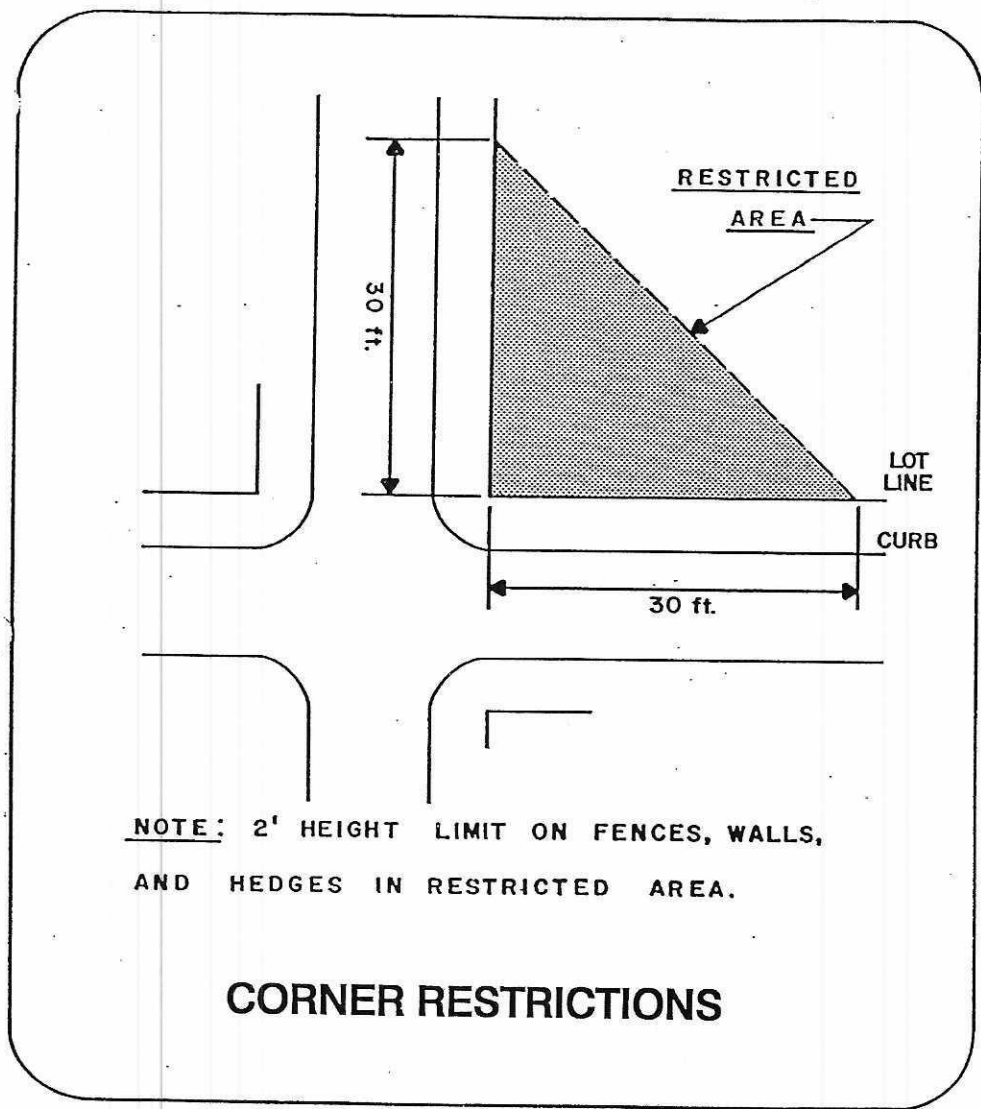
40-10-36 **NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. **(65 ILCS 5/11-13-14)**

SECTION 40-3-17 - AREA AND BULK REGULATIONS - SUMMARY SHEET

Zone Districts	Minimum Lot Size				Minimum Yard Dimensions					
	Maximum Number of Dwelling Units	Area in Square Feet or Acres	Width at Building Line, in Linear Feet	Mean Depth in Linear Feet	Depth of Front Yard in Feet	Depth of Side Yard Abutting Street in Feet	Depth of Side Yard Abutting a Lot, in Linear Feet		Minimum Distance to Nearest Principal on Adjacent Lot in Feet	Depth of Rear Yard in Linear Feet
							Total for Both	Minimum for either		
"A" Agricultural	1	3 acres	150' Min	200' Min	40' Min	40' Min	25'	10'	60'	25'
"R-1" Single-Family	1	10,000 sq ft	75' Min	100' Min	25' Min	25' Min	25'	10'	15'	25'
"R-2" General Residence (Single & Multi)	(varies)	See Sec. 40-4-22(A)	50' Min	100' Min	20' Min	20' Min	10'	5'	15'	8'
"MR-1" Multi-Family	1	10,000 sq. ft. or 2,500 sq. ft. whichever is greater	80' Min.	100' Min.	25' Min.	25' Min.	15'	7.5'	15'	25'
"MH-1" Manufactured Housing	1	10,000 sq. ft.	75' Min.	100' Min.	25' Min.	25' Min.	15'	7.5'	15'	20'
"B-1" General Business	N/A	6,000 sq. ft.	50' Min	100' Min.	N/A	25' Min.	None required but, if provided or when abutting a "SR" or "MR" District a side yard of 15' is required		None except when abutting "R" district then 20'	N/A
"B-2" Highway Business	N/A	N/A	N/A	N/A	20' Min.	15' Min.	20'	10'	40'	10'
"I-1" Industrial	N/A	20,000 sq ft	125' Min	150' Min	25' Min	25' Min	50'	25'	70'	25'

SECTION 40-3-17 - AREA AND BULK REGULATIONS - SUMMARY SHEET								
	Accessory Buildings and Uses if Detached Minimum Distance to:							
Zone Districts	Maximum Height in Linear Feet	Principal Building in Linear Feet	Front Lot Line in Linear Feet	Side Lot Adjacent to Street in Linear Feet	Other Side Lot Line, in Linear Feet	Rear Lot Line in Linear Feet	Maximum Height of Principal Building in Linear Feet	Maximum Coverage as a Percentage of Lot
"A" Agricultural	25'	---	50'	25'	3'	3'	35'	N/A
"R-1" Single-Family	25'	----	---	25'	3'	3'	35'	N/A
"R-2" General Residence (Single & Multi)	25'	----	----	25'	3'	3'	35'	N/A
"MR=1" Multi-Family		N/A	N/A	25'	3'	3'	35'	30%
"MH-1" Manufactured Housing	25'	N/A	25'	25'	3'	3'	35'	25%
"B-2" Central Business	25'	15'	15'	25'	See Principal Building	12'	45'	N/A
"B-2" Highway Business	25'	15'	15'	25'	15'	12'	35'	N/A
"I-1" Industrial	25'	15'	15'	25'	15'	12'	60'	N/A

FIGURE 1



CORNERS

40-3-13

FIGURE 2

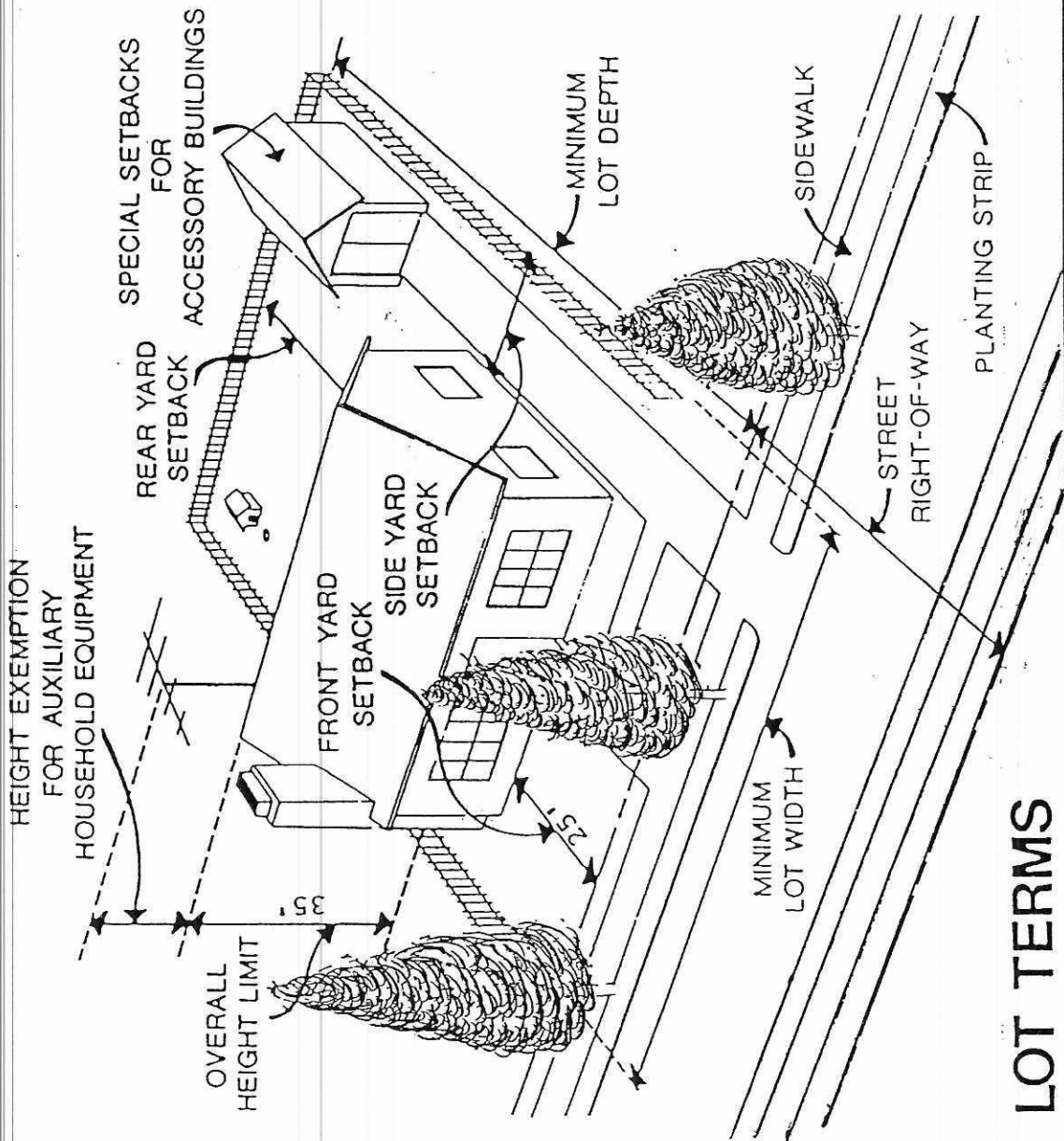
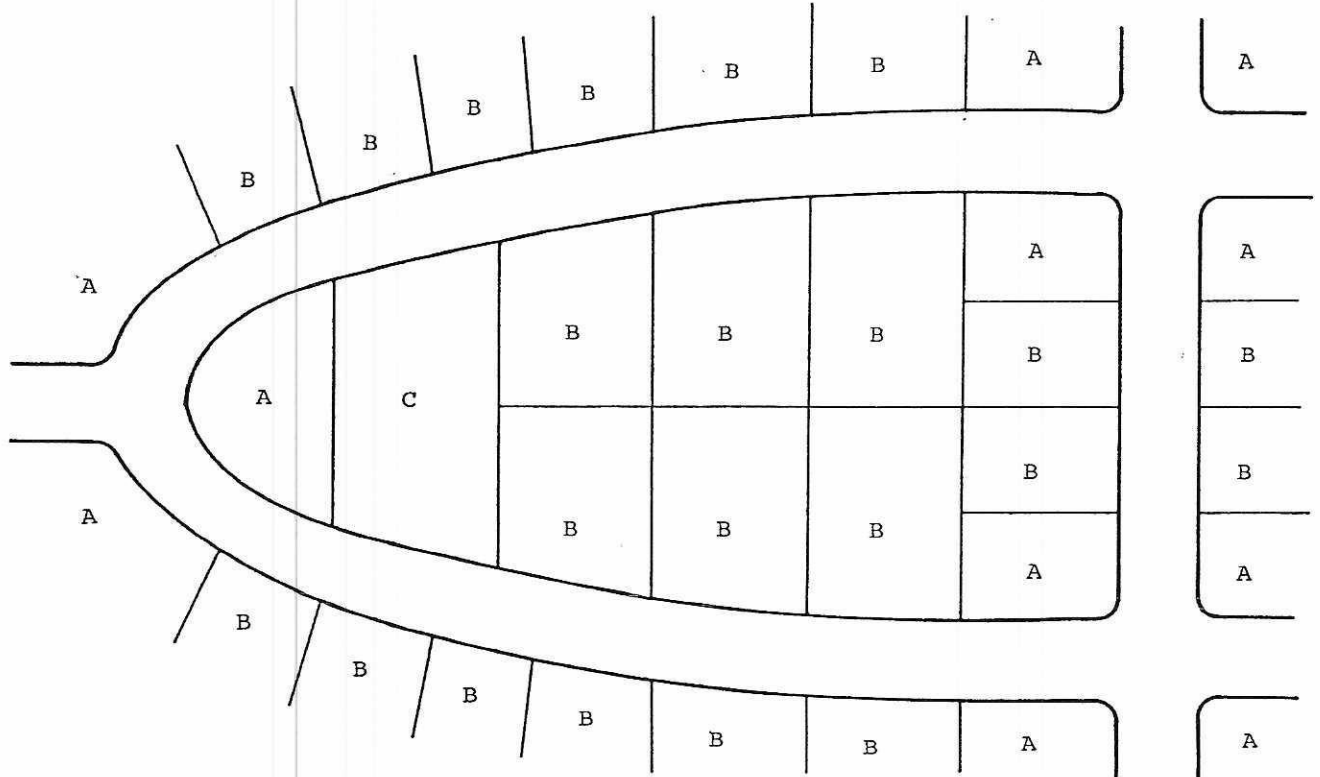


FIGURE 4

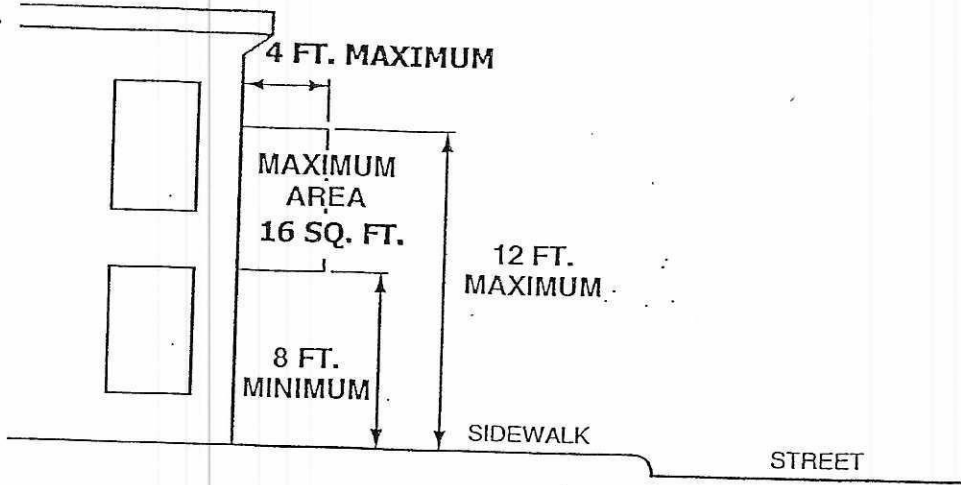


- A - CORNER LOT
- B - INTERIOR LOT
- C - THROUGH LOT

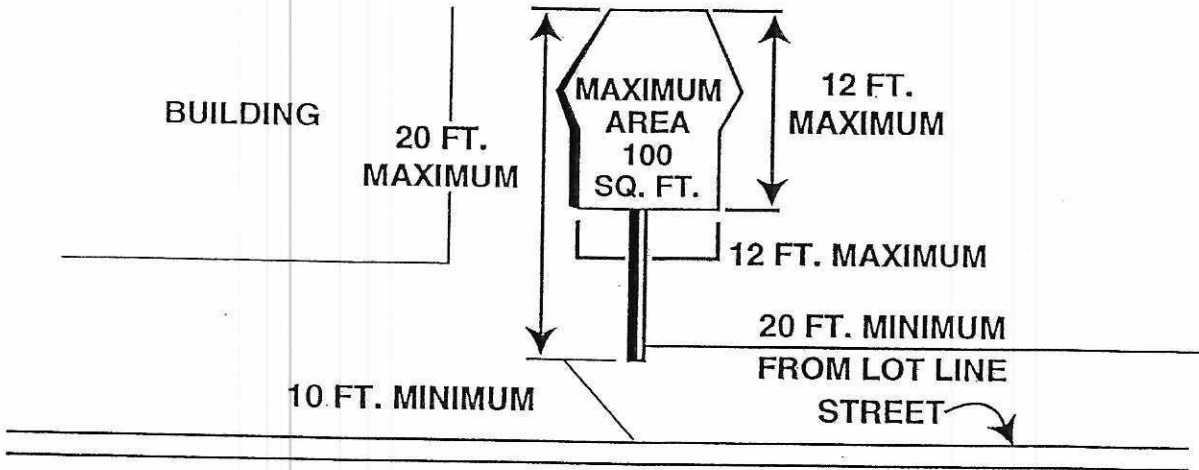
LOTS, CORNER

APPENDIX
SELECTED ILLUSTRATIONS

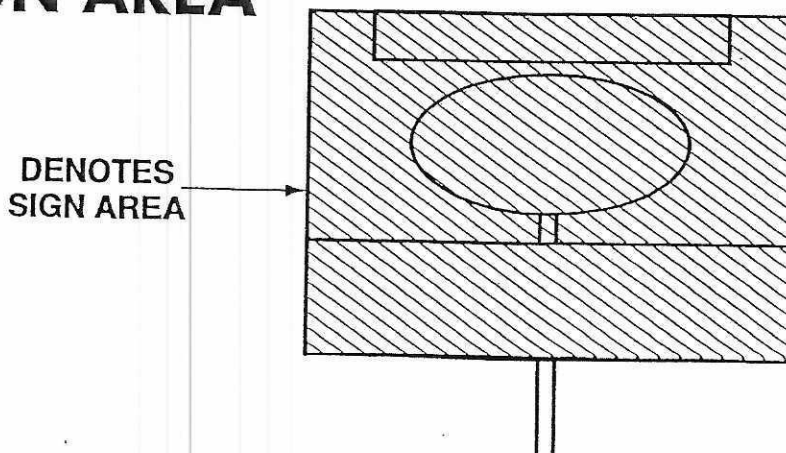
A PROJECTING SIGNS



B FREE STANDING SIGNS



C SIGN AREA

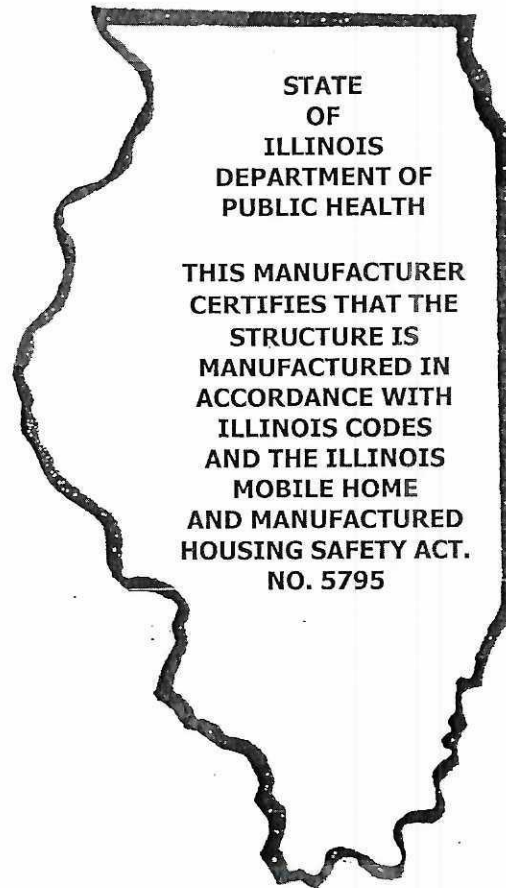


SEE SECTION 40-7-1

FIGURE 3

MODULAR AND MANUFACTURED HOME IDENTIFICATION SEALS

**Illinois Modular Seal
Affixed to Electrical
Panel Box on all
Modular Homes**



**HUD Manufactured Home Seal
Affixed to the tail
Light end of manufactured
Home.**

AS EVIDENCED BY THIS LABEL NO. _____
THE MANUFACTURER CERTIFIES TO THE BEST OF THE
MANUFACTURER'S KNOWLEDGE AND BELIEF THAT THIS
MANUFACTURED HOME HAS BEEN INSPECTED IN
ACCORDANCE WITH THE REQUIREMENTS OF THE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND IS CONSTRUCTED IN CONFORMANCE WITH THE
FEDERAL MOBILE HOME CONSTRUCTION AND SAFETY
STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE.
SEE DATA PLATE.

- A -

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