

ORDINANCE NO. 870

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, AMENDING, RESTATING, REVISING, UPDATING, CODIFYING, AND COMPILING CERTAIN ORDINANCES OF THE VILLAGE DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS, the present general and permanent ordinances of the Village of Teutopolis, Effingham County, Illinois ("Village") are inadequately arranged and classified, and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the Village and for the proper conduct of its affairs; and

WHEREAS, the laws of the State of Illinois empower and authorize the Village to revise, amend, restate, codify, and compile any existing ordinances, and all new ordinances not heretofore adopted or published, and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Board of Trustees of the Village has authorized a general compilation, revision, and codification of the ordinances of the Village of a general and permanent nature, and the publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the Village and for the immediate preservation of the public peace, health, safety, and general welfare of the Village that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, as follows:

Section 1. That the ordinances of the Village of Teutopolis (“Village”) as amended, restated, revised, updated, codified, and compiled in book form, including penalties for the violations of various provisions thereof, are hereby adopted and shall constitute and be known as the Code of Ordinances of the Village.

Section 2. That the Code of Ordinances as hereby adopted shall consist of the following titles:

TITLE I: GENERAL PROVISIONS
TITLE III: ADMINISTRATION
TITLE V: PUBLIC WORKS
TITLE VII: TRAFFIC CODE
TITLE IX: GENERAL REGULATIONS
TITLE XI: BUSINESS REGULATIONS
TITLE XIII: GENERAL OFFENSES
TITLE XV: LAND USAGE
SPECIAL ORDINANCES
PARALLEL REFERENCES

Section 3. That all prior ordinances pertaining to subjects treated in the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are included and re-ordained in whole or in part in the Code of Ordinances; provided, however, that this repeal shall not affect any offense committed or penalty incurred, or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes; appropriating money; annexing or detaching territory; establishing franchises; granting special rights to certain persons; authorizing public improvements; authorizing the issuance of bonds or borrowing of money; authorizing the purchase or sale of real or personal property;

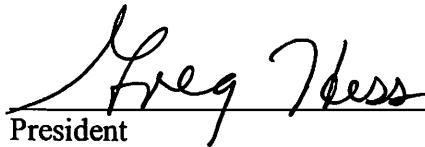
granting or accepting easements, plat or dedication of land to public use; or vacating or setting the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances. All fees established in prior ordinances shall remain in effect unless amended in this Code of Ordinances, or until an ordinance adopting a fee schedule is adopted or amended.

Section 4: That the provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 5: That this ordinance shall be in full force and effect from and after its passage, approval and publication in book form, as may be required by law.


Presented, passed and approved on October 19, 2016.

AYES: 5
NAYS: 0
ABSENT: 1

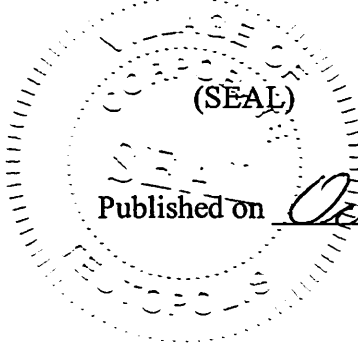


President

ATTEST:



Clerk



Published on October 19, 2016.

STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

CERTIFICATE

I, Sharon Will, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files and seal of said Village.

I further certify that on October 19, 2016, the President and Board of Trustees of such municipality passed and approved Ordinance No. 870, entitled:

“AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, AMENDING, RESTATING, REVISING, UPDATING, CODIFYING, AND COMPILING CERTAIN ORDINANCES OF THE VILLAGE DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES”

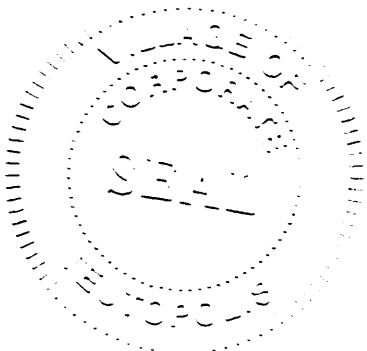
which provided by its terms that it should be published in book form.

The book form of Ordinance No. 870 was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on October 20, 2016, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Teutopolis, Illinois, on October 19, 2016.

Sharon Will
Village Clerk

(SEAL)



STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

I, Sharon Will, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files and seals of said Village. I do also certify that the foregoing is a true and complete copy of Ordinance No. 870 :

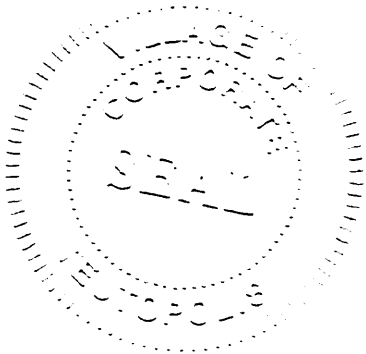
“AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, AMENDING, RESTATING, REVISING, UPDATING, CODIFYING, AND COMPILING CERTAIN ORDINANCES OF THE VILLAGE DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES”

The aforesaid Ordinance was passed by the President and Board of Trustees of the Village by aye and nay vote at a meeting of the Board of Trustees held on October 19, 2016, as the same appears from the records and files in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Village of Teutopolis, Illinois, on October 19, 2016.

Sharon Will
Village Clerk

(SEAL)



VILLAGE OF TEUTOPOLIS, ILLINOIS

CODE OF ORDINANCES

REVISED 12-31-19

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VILLAGE OF TEUTOPOLIS

OFFICIALS

Village President	Greg Hess
Village Clerk	Sharon Will
Village Trustee	Jane Summers
Village Trustee	John J. Mette
Village Trustee	Greg Oseland
Village Trustee	Dave Tegeler
Village Trustee	Daniel Zerrusen
Village Trustee	Bernard Hartke
Village Treasurer	Reta Swingler
Building Official	Tony Esker
Police Chief	Jeffrey D. Bushue
Village Foreman	Carl Pals
Plan Commission Chairman	Daniel Hoelscher
Plan Commission Member	Tom Buehnerkemper
Plan Commission Member	Martin Hutmacher
Plan Commission Member	Dean Pals
Plan Commission Member	Joe Kroeger
Plan Commission Member	Peter Niccum
Plan Commission Member	Maurice Schumacher.
Plan Commission Secretary	Deborah Weber
Board of Appeals Chairman	Daniel Hoelscher
Board of Appeals Member	Frank Hemmen
Board of Appeals Member	Tom Buehnerkemper
Board of Appeals Member	Paul Weber
Board of Appeals Member	John Burford
Board of Appeals Member	Peter Niccum
Board of Appeals Member	Glen Waldhoff
Board of Appeals Secretary	Sharon Will
Village Attorney	William W. Austin
Village Engineer	John Stone of Connor & Connor, Inc.

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§ 10.01 TITLE OF CODE.

This codification by and for the Village of Teutopolis shall be designated as the Code of Teutopolis, and may be so cited.

§ 10.02 DEFINITIONS.

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

COUNTY. Effingham County, Illinois.

General Provisions

COUNTY BOARD. The County Board of Effingham County, Illinois.
(5 ILCS 70/1.07)

COURT. Construed to mean any court of competent jurisdiction.

DECREE. Synonymous with “judgment”.
(5 ILCS 70/1.24)

ELECTORS. Persons qualified to vote for elective officers at municipal elections.
(65 ILCS 5/1-1-2)

EXECUTIVE OFFICER. Words used for an executive or ministerial officer may include any deputy or other person performing the duties of such officer, either generally or in special cases.
(5 ILCS 70/1.08)

HERETOFORE or **HEREAFTER.** Any time previous to the day on which the ordinance, resolution, or statute takes effect; **HEREAFTER** means at any time after that date.
(5 ILCS 70/1.17)

HIGHWAY, ROAD, or STREET. May include any road laid out by authority of the United States or of this state, or of any town or county of this state, and all bridges thereupon.
(5 ILCS 70/1.16)

ILCS. Illinois Compiled Statutes, 1992, as heretofore and hereafter amended.

KEEPER or **PROPRIETOR.** Includes all persons, whether acting by themselves or as a servant, agent, or employee.

LAND or **REAL ESTATE.** Includes rights and easements of an incorporeal nature.

MAY. The act referred to is permissive.

MONTH. A calendar month.
(5 ILCS 70/1.10)

MUNICIPAL CODE. The Illinois Municipal Code, 65 ILCS 5.

OATH. Includes affirmation, and **SWEAR** includes affirm.
(5 ILCS 70/1.12)

OWNER. When applied to property, includes any part owner, joint owner, purchaser and seller under a contract and/or deed, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

PERSON. Any legal person; includes associations, partnerships, corporations, joint ventures, and bodies politic and corporate as well as individuals.

(5 ILCS 70/1.05)

PERSONAL PROPERTY. Includes all property except real.

POLICE OFFICERS. Police officers employed and in the service of the Village of Teutopolis. **POLICE FORCE** shall be construed to include such persons in the employ of a village as members of the Department of Police who are, or shall hereafter be, appointed and sworn as **POLICE OFFICERS**. (5 ILCS 70/1.20)

PREMISES. As applied to property, includes land and buildings.

PRESIDENT. The President of the Village of Teutopolis.

PROPERTY. Includes real, personal, mixed estates, and other interests.

PUBLIC AUTHORITY. Includes school districts; units of legal government; the village, city, county, state, or federal governments, officers and agencies thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Includes certified mail and **CERTIFIED MAIL** includes registered mail.

SHALL. The act referred to is mandatory.

SIDEWALK. The portion of the street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, intended for use of pedestrians. (625 ILCS 5/1-188)

SPECIAL DISTRICTS. The meaning ascribed in Article VII of the Constitution of the State of Illinois of 1970. (5 ILCS 70/1.29)

STATE. The State of Illinois.

STREET. Where the context admits, includes alleys, lanes, courts, boulevards, squares, and other public thoroughfares.

TENANT or **OCCUPANT.** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

THIS CODE or **THIS CODE OF ORDINANCES.** The village code hereby adopted, and as

hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

UNITS OF LOCAL GOVERNMENT. The meaning established in Section 1 of Article VII of the Constitution of the State of Illinois of 1970.

(5 ILCS 70/1.28)

VILLAGE BOARD OF TRUSTEES or **VILLAGE BOARD.** The Board of Trustees of the Village of Teutopolis.

VILLAGE, MUNICIPALITY, or **MUNICIPAL CORPORATION.** The Village of Teutopolis, irrespective of its population or legal classification.

WEEK. Seven consecutive days.

WHOEVER. Includes all persons, natural and artificial; partners, principals, agents, and employees; and all officials, public or private.

WRITTEN or **IN WRITING.** Includes printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, it shall be in the proper handwriting of that person, or in case he or she is unable to write, his or her proper mark, or an electronic signature as defined in the Electronic Commerce Security Act, 5 ILCS 175/1-101 et seq., except as otherwise provided by law.

(5 ILCS 70/1.15)

YEAR. A calendar year unless otherwise expressed; and the word **YEAR** alone is equivalent to the expression "Year of Our Lord".

(5 ILCS 70/1.10)

§ 10.03 SECTION HEADINGS.

Headings and captions used in this code are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.04 RULES OF CONSTRUCTION.

(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative or judicial definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed.

(1) The singular shall include the plural, and the plural shall include the singular.

(5 ILCS 70/1.03)

(2) Words of one gender shall include the other genders.
(5 ILCS 70/1.04)

(3) Words in the present tense shall include the future.
(5 ILCS 70/1.02)

(4) *AND* may be read *OR*, and *OR* may be read *AND*, if the context admits.

(C) The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding Saturday, Sunday, or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded.
(5 ILCS 70/1.11)

(D) When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all such acts when done by an authorized agent.

(E) Words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons.
(5 ILCS 70/1.09)

(F) These rules of construction shall not apply to any provision of this code which shall contain any express provision excluding that construction, or when the subject matter or context of this code may be repugnant thereto.

(G) All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the President and Village Board may be fully carried out.
(5 ILCS 70/1.01)

(H) The provisions of any ordinance, in so far as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment.
(5 ILCS 70/2)

§ 10.05 OFFICIAL TIME.

The official time for the village shall be as set by federal law.

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(B) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in division (C) below:

General Provisions

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.

(C) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

§ 10.07 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in this code to action taken or authorized under designated sections of this code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of these codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.09 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code

may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections, and divisions, or any part thereof, by subsequent ordinances, the repealed portions may be excluded from the code by the omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are re-adopted as a new code of ordinances by the Village Board.

§ 10.10 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.11 REFERENCE TO PUBLIC OFFICE OR OFFICER.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the village exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary. Such references shall also include the designee or agent of any such officer or office, unless the law or the context clearly requires otherwise.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.14 ORDINANCES UNAFFECTED.

General Provisions

All ordinances of a temporary or special nature (including, but not limited to tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming, or vacating streets, alleys, or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the village; and all special ordinances) as well as any other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the Village Board or a certain village officer or employee to make additional regulations for the purpose of carrying out the intent of the ordinance, all regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.16 TECHNICAL CODES.

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become a part of this code and shall be made available for public inspection by the village. Further, to the extent of any conflict between the technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall prevail.

§ 10.17 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section.

Example:

(Ord. 10, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) An "ILCS" cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. Example:

(65 ILCS 5/3.1-2-1)

(2) An "ILCS" cite set forth as a "statutory reference" following the text of the section indicates that the reader should refer to that statute for further information. Example:

§ 38.04 PUBLIC RECORDS AVAILABLE.

The village shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act.

Statutory reference:

Freedom of Information Act, see 5 ILCS 140/1 et seq.

§ 10.99 GENERAL PENALTY.

Whoever violates any provision of this code or other ordinance of this village for which another penalty is not specifically provided, shall be fined not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

Statutory reference:

Authority to imprison for certain ordinance violations, see 65 ILCS 5/1-2-1.1

Limitations on penalties and collection upon default in payment, see 65 ILCS 5/1-2-1

TITLE III: ADMINISTRATION

Chapter

- 30. ORGANIZATIONS**
- 31. BOARD OF TRUSTEES AND OFFICIALS**
- 32. POLICIES GENERALLY**
- 33. FINANCES AND FUNDS**

CHAPTER 30: ORGANIZATIONS

Section

General Provisions

- 30.01 Municipal League Risk Management Association
- 30.02 Part-time police officers
- 30.03 Park District
- 30.04 Recreation Board (repealed)
- 30.05 Plan Commission

GENERAL PROVISIONS

§ 30.01 MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION.

(A) The Village Board does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the President and Clerk to execute an intergovernmental cooperation contract with the Illinois Municipal League Risk Management Association for membership for a period of one year beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this section is repealed.

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

(Ord. 846, passed 12-3-2014)

§ 30.02 PART-TIME POLICE OFFICERS.

(A) *Appointment.* Subject to the hiring standards set forth below, the Village President and Board of Trustees may, from time to time and upon the advice and recommendation of the Chief of Police, appoint certain persons as part-time police officers of the Department.

(B) *Duties.* A part-time police officer shall have all the responsibilities of a full-time police officer

Teutopolis - Administration

and such specific duties as delineated in the Police Department Policy Manual, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall be trained in accordance with the state's Police Training Act (50 ILCS 705/1 et seq.) and the rules of the state's Law Enforcement Training Standards Board.

(C) *Hiring standards.*

(1) 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 21 years of age;

(c) Pass a medical examination;

(d) Possess a high school diploma or GED certificate;

(e) Possess a valid state driver's license;

(f) Possess no prior felony convictions; and

(g) Any individual who has served in the U.S. military must have been honorably discharged.

(2) The village is an equal opportunity employer and shall not discriminate on the basis of race, sex, religious beliefs, or any other basis prohibited by law. Final hiring approval is at the sole discretion of the President and Board of Trustees.

(D) *Disciplinary standards.*

(1) Part-time police officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the village authorities, shall not have any property rights in said employment, and may be removed by the village authorities at any time. Part-time police officers shall comply with all applicable rules and orders issued by the Police Department.

(2) Nothing in this section shall be construed to prevent the Chief of Police from suspending without pay any member of the Department for a period of not more than five days, but he or she shall notify the President and Board of Trustees in writing of such suspension. Any police officer so suspended may appeal to the Board to review the suspension within 30 days after the suspension and upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer receive pay for the period involved, or it may suspend the officer for an additional period of not more than 30 days or discharge the officer and/or demote the officer depending on the facts presented.

(Ord. 814, passed 5-16-2012)

§ 30.03 PARK DISTRICT.

(A) The village relinquishes all control and management of the planning, establishing, and maintaining of the municipal recreation program within its boundaries to the village's Park District, and relinquishes its levy for recreation purposes to the Park District.

(B) The village shall, six months from the date of this section, turn over to the Park District any and all funds and tax moneys in its possession on that date, which funds were received by it from the Playground and Recreation Tax, and shall from time to time thereafter turn over to the Park District all such funds and tax moneys as shall be received from levies adopted prior to the effective date of this section.

(Ord. 575, passed 1-17-1990)

§ 30.04 RECREATION BOARD. (Repealed by Ord. 883, passed 7-5-2017)

§ 30.05 PLAN COMMISSION.

(A) *Purpose.* In order that adequate provisions be made for the preparation of a Comprehensive Plan, for the guidance, direction, and control of the growth and development of the village, a Plan Commission, which shall be a department of the village government, is hereby created under the authority of an Act of the General Assembly of the state entitled, the Illinois Municipal Code, being 65 ILCS 5, as now in force and effect.

(B) *Membership.* Said Plan Commission shall consist of seven members, to include the following:

(1) The Village President shall be an ex-officio member of said Commission with power to vote; and

(2) Six other members, citizens of said village, appointed by the Village President on the basis of their particular fitness for their duty on said Plan Commission, subject to the approval of the Board of Trustees.

(C) *Term of office.* Appointed members shall be appointed and serve for a term of three years.

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Vacancies shall be filled by the same method of appointment for unexpired terms only. All members of the Commission shall serve without compensation, except that if the President and Board of Trustees so provide, the Secretary may receive such compensation as is fixed by said governing body and be paid for by proper appropriation.

(D) *Procedure.* Immediately following their appointment, the members of the Plan Commission shall meet, organize, elect such officers as it may deem necessary and adopt, and later change or alter, rules and regulations or organization and procedure consistent with village ordinances and state laws. The Commission shall keep a written record of its proceedings that shall be open at all times to public inspection. The Commission shall also file an annual report with the Village Board setting forth its transactions and recommendations.

(E) *Powers and duties.* Said Plan Commission shall have the following powers and duties:

(1) To prepare and recommend to the President and Board of Trustees a plan or plans for the development and redevelopment of said village and contiguous unincorporated territory, not more than one and one-half miles beyond the corporate limits of said village and not included in said municipality. Such a plan or plans when adopted by the President and Board of Trustees shall be known as the official plan, or part thereof, of the village. Such plan or plans may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official plan, or part thereof, of the village. To provide for the health, safety, comfort, and convenience of the village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivision, or unimproved land and of areas subject to redevelopment, including reasonable requirements for public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds, and other public grounds;

(2) To prepare and recommend to the President and Board of Trustees, from time to time, such changes in the plan or any part thereof as may be deemed necessary by the President and Board of Trustees or by the Plan Commission;

(3) To prepare and recommend to the President and Board of Trustees, from time to time, plans and/or recommendations for specific improvements in pursuance of such official plan;

(4) To give aid to the officials, President, and Board of Trustees charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements, and generally to promote the realization of the official plan;

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

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

(7) To exercise such other powers germane to the powers created and granted under authority of an Act of the General Assembly of the state, entitled the Illinois Municipal Code, as now in force and

effect, as may be conferred by the President and Board of Trustees.

(F) *Land subdivision or resubdivision.* Following the adoption of an official plan in the manner prescribed in the Act, no map or plat or any subdivision presented for record affecting land within the corporate limits of the village, or in contiguous territory outside of, and distant not more than, one and one-half miles from such limits and not included in any other municipality, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto in such official plans.

(G) *Improvements.* The Village Clerk shall furnish the Plan Commission, for its consideration, a copy of all ordinances, plans, and data relative to public improvement of any nature. The Plan Commission may report in relation thereof if it deems a report necessary or advisable for the consideration of the President and Board of Trustees.

(H) *Expenditures.* The Commission may, at the discretion of the President and Board of Trustees, employ necessary help whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the President and Board of Trustees from the public funds. If the Plan Commission shall deem it advisable to secure technical advise or services, it may be done upon authority of the President and Board of Trustees and appropriation by the President and Board of Trustees made therefor.

(Ord. 425, passed 2-3-1965)

CHAPTER 31: BOARD OF TRUSTEES AND OFFICIALS

Section

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GENERAL PROVISIONS

§ 31.001 INCORPORATION

Upon a petition presented to the Board of Trustees of the village of [*illegible*] legal voters of said village asking to submit to the legal voters of said village for and against organization under general law. Upon which election notices were posted on May 1, 1874 in five of the most public places in said town according to law. Whereupon an election was held on May 30, 1874, the result of which election was as follows: 42 votes cast for village organization under general law and [*illegible*] against village organization under general law.

(Ord. passed 8-1-1874)

OFFICIALS

§ 31.015 REPRESENTATIVES.

The officers of said village shall consist of one President, six Trustees, one Clerk, one Treasurer, one Police Chief, one Building Official, one Secretary of the Plan Commission and as many police officers as the President and Board of Trustees shall at such times as are needful appoint, and one Village Attorney. Each of said officers shall discharge the duties required of them in their various offices by statute and the legal ordinances of said village, and for the discharge of their duties they shall have full power and authority, and for a failure shall be subject to the penalties hereinafter provided.

(Ord. 1, passed 12-2-1899)

§31.016 ELECTION.

The President and Board of Trustees shall be elected by the people of said village and in conformity to the general election laws of the state as near as practicable, and upon their election and due qualification, they shall appoint one Treasurer, one Police Chief, one Village Clerk and one Village Attorney, which appointments shall be made at the first regular meeting of the President and Board of Trustees after the annual election, or as soon thereafter as practicable, and shall hold their respective offices until their successors are duly elected and qualified. Said Village President shall hold his or her office for four years and until his or her successor is elected and qualified.

(Ord. 1, passed 12-2-1899; Res. 445, passed 7-19-2000)

§ 31.017 ELIGIBILITY.

No person shall be eligible to any office in said village who is not a qualified elector of said village and who shall not have resided therein at least one year next preceding his or her election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.
(Ord. 2, passed 12-2-1899)

§ 31.018 OATH.

(A) All officers of this village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation, to-wit: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will discharge the duties of the office of (whatever it may be) according to the best of my ability."

(B) Which oath or affirmation shall be filed with the Clerk and all such officers, except Trustees and Village Attorney, shall, before entering upon the duties of their respective offices execute a bond with security, to be approved by the Board of Trustees, payable to the village in such penal sum as may by resolution or ordinance be directed, conditioned for the faithful performance of the duties of the office, and the payment of all moneys received by such officer according to the law and ordinance of said village; provided, that in no case shall the President's bond be fixed at a less sum than \$3,000, nor shall the Treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year, which bond shall be filed with the Clerk, except the bond of the Clerk which shall be filed with the Treasurer.
(Ord. 2, passed 12-2-1899)

§ 31.019 CERTIFICATE OF APPOINTMENT.

All officers elected or appointed within and for this village, except the Clerk, President, and Trustees, shall be commissioned by warrant given under the corporate seal and signed by the Clerk and President of the Board of Trustees. The President of the Board of Trustees shall issue a certificate of appointment or election under the seal of the corporation to the Clerk thereof, and any person having been an officer of the village shall, within five days after notification and request, deliver to his or her successor in office all property, books, and effects of every description in his or her possession belonging to the village or appertaining to his or her said office, and upon refusal to do so, he or she shall be liable for all the damages caused thereby and such a penalty as may by ordinance be prescribed.
(Ord. 2, passed 12-2-1899)

§ 31.020 BUSINESS.

No officer may be directly or indirectly interested in any contract, work, or business of the village or the sale of any article, the expense price or consideration of which is paid from the Treasury or by any

assessment levied by any act or ordinance, nor in the purchase of any real estate or any property belonging to the corporation or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

(Ord. 2, passed 12-2-1899)

§ 31.021 COMPENSATION.

The respective fees of the officers of this village shall be such as may be provided by ordinance, and shall neither be increased nor decreased during their term of office.

(Ord. 2, passed 12-2-1899)

§ 31.022 BOND.

Before entering upon the duties of their respective offices, the village officers shall execute a bond with security, to be approved by the corporate authorities, which bond shall conform in form and substance to 65 ILCS 5/3.1-10-30, or any statute of similar import.

§ 31.023 CLERK.

(A) The Clerk shall keep the corporate seal of said village, to be provided under the direction of the President and Board of Trustees, and he or she shall have power as Clerk of such village to administer oaths in all matters concerning the village when the same are to be administered. He or she shall have possession of all papers belonging to the village, and shall attend all meetings of the Board of Trustees of the village and keep a full, faithful, and correct record of all its proceedings in his or her journal or docket, and copies of all papers duly filed in his or her office, and transcript from the journals and other records and files of his or her office, certified by him or her, under the corporate seal, shall be evidence in all the courts in like manner as if the original was produced.

(B) The Clerk shall record in his or her journal all ordinances passed by the President and Board of Trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and publication or posting of such ordinance, which record and memorandum or a certified copy thereof shall be prima facie evidence of the passage and legal publication or posting of such ordinance for all purposes whatsoever.

(C) The Clerk shall exercise all the duties and powers of Comptroller of said village.
(Ord. 2, passed 12-2-1899)

§ 31.024 TREASURER.

(A) The Village Treasurer shall be appointed by the President and Board of Trustees at the first meeting of the said Board in the month of May of each year, and shall hold his or her office for a term of two years.

(B) The Treasurer shall, before entering upon the duties of his or her office, execute a bond payable to the village aforesaid in such sum as the said Board may by resolution direct. Which said bond is conditioned for the faithful performance of his or her duties as such Treasurer and shall be subject to the approval of the said Village Board.

(C) The Village Treasurer shall be the custodian of all money belonging to said village and shall keep a full and accurate account of same, pay out all orders signed by the President and countersigned by the Clerk, and make a report to said Board at each regular monthly meeting of all money on hand on the first day of the last preceding month, the amount received during that month, from what source received, the amounts paid out, and upon what account.

(D) He or she shall keep the funds of the various appropriations separate and distinct.
(Ord. 131, passed 3-14-1928)

§ 31.025 ATTORNEY.

(A) It shall be the duty of the Village Attorney to appear in all suits in which the village is interested, either as plaintiff or defendant, as the case may be, on behalf of the village.

(B) He or she shall at all times, when necessary, or when called upon, advise the Board to the best of his or her knowledge and ability upon all matters of law arising within the scope of the welfare of the village and the powers and duties of the Board, for which he or she shall be compensated at his or her regular hourly rate or as otherwise agreed between the Board and the Attorney.
(Ord. 2, passed 12-2-1899)

BOARD OF TRUSTEES

§ 31.040 TRUSTEE MEETINGS.

(A) The regular meeting of the Board of Trustees shall be held on the first and third Wednesdays of each month from and after the passage of this section.

(B) The meeting hour of said Board of Trustees shall be at 7:00 p.m.

(C) Special meetings may be called at any time when the interest of the village may require it by order of the President, or any two of the members of the Board of Trustees, by giving verbal or written notice of the time of holding the same to each of the Trustees who may be found within the village, or by leaving a written notice thereof at their usual place of abode.

(D) No business shall be transacted by the Board unless the President and three of the Trustees be present, or in case of the absence of the President or of his or her inability to act, unless four of the

Trustees shall be present.

(Ord. 2, passed 12-2-1899; Ord. passed 7-7-1917)

§ 31.041 ORDINANCE LANGUAGE.

The style of ordinances passed in this village shall be as follows: “Be it ordained by the President and Board of Trustees of the Village of Teutopolis, Effingham County, Illinois.”

(Ord. 129, passed 3-14-1928)

§ 31.042 PRESIDENT.

(A) The President of this village shall be President of the Board of Trustees hereof and shall preside at all meetings of said Board, but shall not vote in assembly only in case of a tie, when he or she shall give the casting vote. He or she shall perform the duties and exercise the powers conferred upon the Mayor of a city and administer the order of business thereof.

(B) All warrants drawn upon the Treasury must be signed by the President and countersigned by the Clerk, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable, and no money shall otherwise be paid than upon such warrants so drawn, except as hereinafter provided.

(Ord. 2, passed 12-2-1899)

RULES OF ORDER

§ 31.055 QUORUM.

The President shall, if present, take the chair at the hour appointed for the meeting of the Board; if he or she be not present, the Board shall elect a temporary chairperson who shall act in his or her stead. The members being called to order the roll of members shall be called, and if a quorum be present the presiding officer shall cause the minutes of the last preceding meeting to be read, unless such reading be dispensed with by vote.

(Ord. 8, passed 12-2-1899)

§ 31.056 DEBATE.

No motion shall be put or debated until it is seconded, and every question shall be distinctly stated by the President before it is open for debate. Every motion shall be reduced to writing if the President or any member shall so demand. When any question is put, if the President be in doubt or a division is called for by any member, the decision may be by a rising vote.

(Ord. 8, passed 12-2-1899)

§ 31.057 MEMBER REQUIREMENTS.

(A) The President may call on any member to perform the duties of chairperson; no such substitution, however, shall extend beyond the adjournment of the particular meeting.

(B) Every member, previous to speaking on any question, shall rise from his or her seat and audibly address the presiding officer as “Mr. President”; such member shall not, however, speak further until he or she is recognized by the presiding officer.

(C) No member shall speak more than twice to the same question unless permitted by the Board.
(Ord. 8, passed 12-2-1899)

§ 31.058 MOTIONS.

(A) When a motion made has been stated by the President or a committee report made, it shall be deemed to be in possession of the Board; it may, however, be amended or laid on the table or, with the consent of the Board, be withdrawn at any time before a vote is taken thereon.

(B) When a question is under consideration, no motion shall be received but to adjourn; to lie on the table; the previous question; to postpone indefinitely, when several motions shall have preference in the order in which they are herein named. A motion to adjourn shall always be in order; it shall be decided without debate. The yeas and nays shall always be taken on a motion to adjourn.

(C) A motion for the previous question or to lay the question on the table until decided shall preclude all amendment of debate on the main question.

(D) The previous question shall be as follows: “Shall the main question now be put?”

(E) A motion to postpone consideration of a question indefinitely or to adjourn it to a certain day shall, until it is decided, preclude all amendments to the main question.
(Ord. 8, passed 12-2-1899)

§ 31.059 BLANKS.

When a blank is to be filled and different sums or times are proposed, the question shall first be put on the largest sum and the longest time.
(Ord. 8, passed 12-2-1899)

§ 31.060 QUESTIONS.

When a question before the Village Board contains two or more distinct propositions, any member may call for a division of the question and the vote shall be taken on each distinct proposition separately.

(Ord. 8, passed 12-2-1899)

§ 31.061 INTRODUCTION.

Every ordinance shall be introduced and read before the final passage thereof.
(Ord. passed 6-2-1917)

§ 31.062 VOTING.

(A) The ayes and nays shall be taken on the question of the passage of all ordinances or propositions to create any liability against the village, or for the appropriations or expenditures of its money; in all other cases such vote shall be taken at the request of any member; in either case the vote shall be entered on the record of proceedings.

(B) Every member present when a vote is taken shall vote unless excused by the Village Board, or unless he or she shall be, or may become, directly interested in the matter pending, in which case no such member shall vote.

(Ord. 8, passed 12-2-1899)

§ 31.063 VIOLATION OF THE RULES.

If any member shall transgress the rules of the Board, the President or any member may call him or her to order; when so called to order, such member shall at once resume his or her seat. If such member persist in the violation of the rules the presiding officer may name him or her by his or her personal name and command him or her to be seated. If he or she still persists, he or she shall be on motion censured by a majority vote of the members present; at any stage prior to the passage of such vote of censure, the Board may on motion allow the transgressing member to resume the floor that he or she may explain.

(Ord. 8, passed 12-2-1899)

§ 31.064 COMMITTEES.

(A) The standing committees shall be appointed annually and may be as many as needed.

(B) Select committees may be appointed for the consideration of any particular question or matter by resolution of the Board in the manner prescribed by the resolution adopted.

(C) When any committee, standing or special, shall be appointed, the Clerk shall notify the chairperson thereof and deliver to him or her the names of the members thereof written, 48 hours after appointment made; the chairperson shall call the members together and, on the appearance of a quorum, it shall proceed to the transaction of such business as is or may come before it.

(D) All committees to whom any matter may be referred shall report in writing, stating the facts,

giving their opinion thereon, and appending to their report all papers to them referred. Such report shall be signed by the concurring members. Minority reports may be submitted, signed by the disinterested member or members.

(E) On the acceptance of a final report from a select committee, such committee shall stand discharge without vote, unless it be otherwise ordered.

(F) All reports made by committees or officers of the village, all resolutions adopted, all ordinances as presented and passed, all communications, petitions, and the like received, and generally all papers presented to or acted on, shall be filed and carefully preserved by the Village Clerk.
(Ord. 8, passed 12-2-1899)

§ 31.065 NEW BUSINESS.

All new business introduced at any meeting shall be referred to the appropriate committees unless, on motion, it is referred to a select committee or lay over until the next meeting. This rule shall never be suspended unless on the affirmative votes of five members.
(Ord. 8, passed 12-2-1899)

§ 31.066 PETITIONS.

All petitions or communications addressed to the Village Board shall be in writing and filed with the Village Clerk, and not withdrawn unless by leave of the Village Board.
(Ord. 8, passed 12-2-1899)

§ 31.067 PAYMENTS.

Unless for the payment of money as provided for by ordinance, all claims against the village for the payment of money must be in writing and filed with the Village Clerk at least ten days before the next regular meeting of the Board.
(Ord. 8, passed 12-2-1899)

§ 31.068 RECORD KEEPING.

In all cases when a resolution is offered or motion made, it shall be entered on the journal of the Board; the name of the member offering or making the same shall also be entered on such record.
(Ord. 8, passed 12-2-1899)

§ 31.069 GENERAL ORDER.

The order of business of this Board shall be as follows:

(A) Petition;

(B) Reports of officers;

(C) Communication;

(D) Reports of standing committees;

(E) Reports of select committees;

(F) Unfinished business; and

(G) Resolutions, motions, and the like, on call of roll.
(Ord. 8, passed 12-2-1899)

CHAPTER 32: POLICIES GENERALLY

Section

- 32.01 Comprehensive Plan
- 32.02 Freedom of Information Act
- 32.03 Ethics Act
- 32.04 Gift Ban Act
- 32.05 Insurance
- 32.06 Local Government Travel Expense Control Act
- 32.07 Policy Prohibiting Sexual Harassment

§ 32.01 COMPREHENSIVE PLAN.

(A) The Comprehensive Plan that is attached to Ord. 802, marked Exhibit A and made a part hereof by this reference, to be known as the “2011 Village of Teutopolis Comprehensive Plan”, be and is hereby adopted as the Comprehensive Plan of the village.

(B) The Comprehensive Plan shall be advisory and in and of itself not be construed to regulate or control the use of private property in any way, except as to any part thereof that has been hereafter expressly implemented by an ordinance duly enacted by the Board of Trustees.

(C) No amendment to the Comprehensive Plan shall be adopted that has not been first submitted to the Plan Commission for its recommendation, to include the conduct of a public hearing thereon.

(D) The Comprehensive Plan shall become effective upon the expiration of ten days after the date of filing notice of the passage and approval of this section adopting the Comprehensive Plan in the County Recorder’s office.

(Ord. 802, passed 2-16-2011)

§ 32.02 FREEDOM OF INFORMATION ACT.

(A) The Village Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the public records of the village are to be referred. Such requests are to be made at the offices of the Village Clerk between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, excluding public holidays. Except in instances when records are furnished immediately, the FOIA Officer or the officers designees shall receive requests submitted to the village under the Freedom of Information Act being 5 ILCS 140, ensure that the village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the village shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the FOIA Officer shall:

(1) Note the date the village receives the written request;

(2) Compute the day on which the period for response will expire and make a notation of that date on the written request;

(3) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and

(4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

(C) The FOIA Officer shall, within six months after January 1, 2010, successfully complete an electronic training curriculum to be developed by the Public Access Counselor of the state and thereafter successfully complete an annual training program. Whenever a new Freedom of Information Officer is designated by the village, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.

(D) Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored by the FOIA Officer or by an employee of the village acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the village.

(E) If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA Officer pursuant to 5 ILCS 140/6(b). The Village Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records and the cost of certifying copies, if certification is requested.

(F) In the event that a request to inspect village records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the state.

(G) The Village Clerk shall prepare:

(1) A village information directory;

(2) A block diagram of the functional subdivisions of the village;

(3) A village records directory; and

(4) A records catalogue, all of which shall be substantially in the same form as the documents attached to Ord. 795 and made a part hereof as Exhibits "A", "B", "C", and "D". This information shall also be posted on the village's website, if any.

(Ord. 795, passed 3-3-2010)

§ 32.03 ETHICS ACT.

(A) The regulations of §§ 5 through 15 (5 ILCS 430/5 through 15) and Art. 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq. (hereinafter referred to as the “Act” in this section) are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 ILCS 430/70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any officer or any employee of the village is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the Act is hereby prohibited.

(D) The participation in political activities prohibited under the Act by any officer or employee of the village is hereby prohibited.

(E) For purposes of this section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(G) This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering, and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.

(I) If the state’s Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the village if the Act is found unconstitutional by the state’s Supreme Court.

(J) If the state’s Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

(Ord. 737, passed 5-19-2004)

§ 32.04 GIFT BAN ACT.*(A) Adoption of Act.*

(1) The state's Gift Ban Act (5 ILCS 430/10-10 et seq.) is hereby adopted as required by § 83 of the Act (5 ILCS 430/70-5).

(2) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the village.

(3) All non-salaried appointed or elected officials are exempted from the Act and the provisions of this section.

(B) Ethics Officer. To the extent authorized by law and to the extent required by § 20-23 of the Act (5 ILCS 430/20-23), the Village Clerk is appointed to serve as the Ethics Officer of the village. The Ethics Officer's duties shall be as provided in § 20-23.

(C) State Legislative Ethics Commission; complaints. All complaints for violations of the Act and this section shall be filed with the state's Legislative Ethics Commission (created by 5 ILCS 430/20-5).

(D) Future amendments to state's Gift Ban Act. Any amendment to the state's Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this section shall be incorporated into this section by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.

(E) Future declaration of unconstitutionality of state's Gift Ban Act.

(1) If the state's Supreme Court declares the state's Gift Ban Act (5 ILCS 430/10-10 et seq.) unconstitutional in its entirety, then this section shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The section shall be deemed repealed without further action by the corporate authorities of the village if the Act is found unconstitutional by the Supreme Court.

(2) If the state's Supreme Court declares part of the state's Gift Ban Act (5 ILCS 430/10-10 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

(Ord. 672, passed 5-19-1999)

§ 32.05 INSURANCE.

(A) It is hereby declared to be the policy and purpose of the village to extend to the eligible employees thereof, effective as of January 1, 1958, the benefits of the Federal Old Age and Survivors Insurance System as authorized by the Federal Social Security Act, being 42 U.S.C. Ch. 7, and amendments thereto. In pursuance of said policy, and for that purpose, the Village Clerk shall take such action as may be required by applicable state and federal laws or regulations.

(B) The Village Clerk is hereby authorized and directed to execute an agreement with the State Employees' Retirement System of the state's Social Security Unit to secure coverage of eligible employees as provided in division (A) above.

(C) Withholdings from salaries or wages of employees for the purpose provided in division (A) above are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state agency in such amounts and at such times as are designated by state laws or regulations.

(D) Employer contributions and administrative expense shall be paid to the state agency in accordance with applicable state laws and regulations from amounts appropriated for such purposes.

(E) The Village Clerk shall maintain such records and submit such reports as may be required by applicable state and federal laws or regulations.

(Ord. 388, passed 2-15-1958; Ord. 398, passed 10-7-1959)

§ 32.06 LOCAL GOVERNMENT TRAVEL EXPENSE CONTROL ACT

(A) Definitions.

“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.

“Public Business” means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.

“Travel” means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

“Village” means the Village of Teutopolis, Effingham County, Illinois.

(B) That the Village shall only reimburse the following types of travel, meal and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

(1) For the actual cost of public transportation by the most reasonable and economical means.

(2) For the cost of operating a privately-owned automobile or other vehicle based upon the per-mile reimbursement rate published from time to time by the Internal Revenue Service of the U.S. Department of the Treasury, which cost is deemed to include all operating costs, including but not limited to fuel, maintenance and insurance.

(3) For the actual cost of lodging in reasonably priced accommodations, to include conference-site accommodations, if applicable, but not to exceed \$200.00 per diem.

(4) For the actual cost of meals (to the exclusion of alcoholic beverages) while traveling, at reasonably priced restaurants, but not to exceed \$50.00 per diem.

(5) Reasonable tips are reimbursable.

Provided, however, that in the event of an emergency or other extraordinary circumstances, the board of trustees may approve more than the maximum allowable expenses set forth above.

(C) That no reimbursement of travel, meal or lodging expenses incurred by an officer or employee of the Village shall be authorized unless the “Travel, Meal, and Lodging Expense Reimbursement Request Form”, attached hereto and made a part hereof, has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (5 ILCS 140/1, et seq.)

(D) That expenses for travel, meals, and lodging of: (1) any officer or employee of the Village that exceed the maximum reimbursement allowed under this ordinance; or, (2) the president or a member

of the board of trustees of the Village, may only be approved by roll call vote at an open meeting of the board of trustees of the Village.

(E) That the Village shall not reimburse any officer or employee for any entertainment expense. 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 ordinance.

(Ord. 872, passed 2-15-2017)

§ 32.07 POLICY PROHIBITING SEXUAL HARASSMENT

I. 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 the Village of Teutopolis 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.

II. 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:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, 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.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and 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).

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."

III. PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT

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 her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his 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.
- *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 municipal.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Village will not be presumed to have knowledge of the harassment.

- *Resolution Outside Village.* 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 Village. 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 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. 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.

IV. PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,

2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

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.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

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.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within 300 days of the alleged retaliation.

V. CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the

municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Village 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.

VI. CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

CHAPTER 33: FINANCES AND FUNDS

Section

- 33.01 Water Fund tax
- 33.02 Telecommunications tax
- 33.03 Locally imposed and administered taxes; rights and responsibilities
- 33.04 Sewerage Fund tax
- 33.05 Fire Department tax
- 33.06 Municipal use tax
- 33.07 Service occupation tax
- 33.08 Retailers' occupation tax
- 33.09 Tax policy

§ 33.01 WATER FUND TAX.

(A) Pursuant to 65 ILCS 5/11-131-1, the Water Fund tax rate of the village be and is hereby increased from 0.01666% to 0.05%.

(B) Pursuant to 65 ILCS 5/11-131-1, the village be and is hereby authorized to levy and collect annually a further tax not to exceed 0.033% of the value of the taxable property to be used exclusively for the purpose of supplying water to the village.

(Ord. 807, passed 8-3-2011)

§ 33.02 TELECOMMUNICATIONS TAX.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

DEPARTMENT. The Illinois Department of Revenue.

GROSS CHARGE. The amount paid for the act or privilege of originating or receiving telecommunications in 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 point within this municipality, charges for the channel mileage between each channel point within this municipality, and charges for that portion of the interstate inter-office channel provided within the state. However, **GROSS CHARGE** shall not include:

(a) Any amounts added to a purchaser's bill because of a charge made pursuant to:

1. The tax imposed by this section;
2. The tax imposed by the Telecommunications Excise Tax Act, being 35 ILCS 630/1 et seq.;
3. The tax imposed by I.R.C. § 4251;
4. 911 surcharges; or
5. Charges added to customers' bills pursuant to the provisions of 220 ILCS 5/9-221 or 9-222, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the state's Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act, being 220 ILCS 5.

(b) Charges for a sent collect telecommunication received outside of such municipality;

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

(d) 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;

(e) Charges to business enterprises certified as exempt under 220 ILCS 5/9-222.2 to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(f) 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 section 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;

(g) 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);

(h) Charges paid by inserting coins in coin-operated telecommunication devices; or

(i) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act, being 35 ILCS 635/1 et seq.

INTERSTATE TELECOMMUNICATIONS. All telecommunications that either originate or terminate outside this state.

INTRASTATE TELECOMMUNICATIONS. All telecommunications that originate and terminate within this state.

PERSON. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the federal and state governments, including state universities created by statute, or any city, town, county, or other political subdivision of this state.

PURCHASE AT RETAIL. The acquisition, consumption of use of telecommunications through a sale at retail.

RETAILER. 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 ensure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the Department at its discretion.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. Includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE AT RETAIL. The transmitting, supplying, or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the federal and state governments, state universities created by statute, and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act, being 35 ILCS 638/1 et seq. For air-to-ground systems and the like, **SERVICE ADDRESS** shall mean the location of a taxpayers primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in the state where bills are sent.

TAXPAYER. A person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by ordinance.

TELECOMMUNICATIONS. In addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this section, "private line" means a dedicated 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 section. For purposes of this section, "prepaid telephone calling arrangements" means that term as defined in § 2-27 of the Retailers' Occupations Tax Act, being 35 ILCS 120/2-27.

(1) A tax is hereby imposed upon any and all the following acts or privileges:

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

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(b) The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of 6% of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under this division (B), any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of such tax properly due and paid in such other state, which was not previously allowed as a credit against any other state or local tax in this state.

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

(C) (1) The tax authorized by this section shall be collected from the taxpayer by a retailer maintaining a place of business in this state and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to, or as authorized by, this section and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this section shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

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

(D) On or before the last day of February 2003, and on or before the last day of every month thereafter, the tax imposed under this section on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the state's Simplified Municipal Telecommunications Tax Act (Public Act 92-526, § 5-50), being 35 ILCS 636/5-1 et seq. and any accompanying rules and regulations created by the Department to implement the Act.

(E) (1) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this section on any of such purchases and shall furnish such additional information as the Department may reasonably require.

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

(3) 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 nontaxable because of being a sale for resale.

(Ord. 715, passed 9-18-2002)

§ 33.03 LOCALLY IMPOSED AND ADMINISTERED TAXES; RIGHTS AND RESPONSIBILITIES.

(A) The provisions of this section shall apply to the village's procedures in connection with all of the village's locally imposed and administered taxes.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Local Government Taxpayers' Bill of Rights Act, being 50 ILCS 45/1 et seq.

CORPORATE AUTHORITIES. The village's President and Board of Trustees.

HEARING OFFICER. An administrative individual appointed by the Village President, with the advice and consent of the corporate authorities, to conduct hearings and to issue final determinations regarding the collection of all locally imposed and administered taxes.

LOCAL TAX ADMINISTRATOR. The Village Clerk is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees, or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The ***LOCAL TAX ADMINISTRATOR*** shall have the authority to implement the terms of this section to give full effect to this section. The exercise of such authority by the local tax administrator shall not be inconsistent with this section and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX. Each tax imposed by the village that is collected or administered by the village not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code, being 35 ILCS 200/1-1 et seq. or fees collected by the village other than infrastructure maintenance fees.

NOTICE. Each audit notice, collection notice, or other similar notice or communication in connection with each of the village's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the village that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and

administered tax to the village.

VILLAGE. The Village of Teutopolis, Effingham County, Illinois.

(C) Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit, or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(1) First class or express mail, or overnight mail addressed to the persons concerned at the persons last known address; and

(2) Personal service or delivery.

(D) Any notice, payment, remittance, or other filing required to be made to the village pursuant to any tax ordinance shall be considered late unless it is physically received by the village on or before the due date, or received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the village with adequate postage prepaid.

(E) Any payment or remittance received for a tax period shall be applied in the following order: first, to the tax due for the applicable period; second, to the interest due for the applicable period; and third, to the penalty for the applicable period.

(F) (1) The village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(2) The statute of limitations on a claim for credit or refund shall be four years after the end of the calendar year in which payment in error was made. The village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the village.

(3) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest, or penalties paid in error shall be as follows.

(a) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

1. The name of the locally imposed and administered tax subject to the claim;
2. The tax period for the locally imposed and administered tax subject to the claim;
3. The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;

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

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

(b) Within ten days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

1. Grant the claim; or

2. Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(c) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 9% per annum, based on a year of 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.

(G) Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this section.

(1) Each notice of audit shall contain the following information:

(a) The tax;

(b) The time period of the audit; and

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

(2) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(3) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days nor more than 30 days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

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

the English language and shall be subject to, and available for, inspection by the village.

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

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

(7) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

(H) (1) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (a) The reason for the assessment;
- (b) The amount of the tax liability proposed;
- (c) The procedure for appealing the assessment; and
- (d) The obligations of the village during the audit, appeal, refund, and collection process.

(2) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(3) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(4) If a written protest and petition for hearing is not filed within the 45-day period, the tax determination, audit, or assessment shall become a final bill due and owing without further notice.

(5) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.

(I) (1) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under division (H) above, the local tax administrator shall conduct a hearing regarding any appeal. The taxpayer may request that a hearing officer conduct the hearing rather than the local tax administrator.

(2) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(3) At the hearing the local tax administrator/hearing officer shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit, or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(4) At the conclusion of the hearing, the local tax administrator/hearing officer 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.

(J) In the event a determination has been made that a tax is due and owing, through audit, assessment, or other bill sent, the tax must be paid within the time frame otherwise indicated.

(1) The village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be 9% per annum, based on a year of 365 days and the number of days elapsed.

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

(K) 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.

(L) The village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 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.

(M) The village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days

after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(1) No determination of tax due and owing may be issued more than four years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(2) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the village the tax paid was less than 75% of the tax due, the statute of limitations shall be six years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(3) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

(N) (1) 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 1% per month, for all periods prior to the filing of the application, but not more than four years before the date of filing the application.

(2) 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.

(3) The payment of tax and interest must be made by no later than 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 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.

(O) Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

(P) The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

(1) Timely remove the lien at the village's expense;

- (2) Correct the taxpayer's credit record; and
- (3) Correct any public disclosure of the improperly imposed lien.

(Q) This section shall be liberally construed and administered to supplement all of the village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this section, this section shall be controlling.

(Ord. 690, passed 12-6-2000)

§ 33.04 SEWERAGE FUND TAX.

Pursuant to 65 ILCS 5/11-143-1, the Sewerage Fund tax rate of the village be and is hereby increased from 0.01666% to 0.10%.

(Ord. 687, passed 10-18-2000)

§ 33.05 FIRE DEPARTMENT TAX.

(A) The state's Municipal League is hereby authorized by the corporate authorities of this municipality to receive and examine the reports and payments of the 2% Fire Department taxes tendered this municipality by foreign fire insurance companies writing such business on property located within the corporate limits of this municipality.

(B) The state's Municipal League shall establish a permanent Fire Insurance Tax Bureau in which there shall be kept a permanent, accurate, and complete record of all such tax payments received from foreign fire insurance companies and the distribution of such payments to the municipalities, and all such records shall be open to the inspection of any municipal official during reasonable office hours.

(C) This municipality hereby agrees to pay to the state's Municipal League for the cost of maintaining the services of the aforementioned Fire Insurance Bureau a fee of 7%, based upon the amount of the 2% Fire Department taxes actually collected by the League and received by the municipality. Such 7% fee to be paid the League not later than 30 days after the receipt of tax payments by this municipality. The state's Municipal League is hereby further authorized to carry on necessary correspondence with the foreign fire insurance companies owing taxes to this municipality in behalf of this municipality, for the purpose of increasing the tax payments of the insurance company to this municipality.

(Res. 529, passed - -)

§ 33.06 MUNICIPAL USE TAX.

(A) A tax is hereby imposed in accordance with the provisions of 65 ILCS 5/8-11-6 upon the privilege of using in the municipality any item of tangible personal property which is purchased outside the state at retail from a retailer, and which is titled or registered with an agency of the state government. The tax shall be at a rate of 1% of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, being 35 ILCS 105/1 et seq., approved July 14, 1955, as

amended.

(B) Such tax shall be collected by the state's Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued. (Ord. 529, passed 12-3-1980; Ord. 536, passed 1-6-1982)

§ 33.07 SERVICE OCCUPATION TAX.

(A) A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of 0.75% of the gross receipts received from such business, in accordance with the provisions of 65 ILCS 5/8-11-5.

(B) Every service person required to account for municipal service occupation tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the state's Department of Revenue required by § 9 of the Service Occupation Tax Act, being 35 ILCS 115/9.

(C) At the time such report is filed, there shall be paid to the state's Department of Revenue the amount of tax hereby imposed.

(D) This section shall be published within ten days of its enactment as provided in 65 ILCS 5/1-2-4 and shall be effective from and after the first day of the calendar month next following the expiration of the ten-day publication period.
(Ord. 438, passed 7-19-1967)

§ 33.08 RETAILERS' OCCUPATION TAX.

(A) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this village at the rate of 0.75% of the gross receipts from such sales made in the course of such business while this section is in effect, in accordance with the provisions of 65 ILCS 5/8-11-1.

(B) Every such person engaged in such business in the village shall file, on or before the last day of each calendar month, the report to the state's Department of Revenue required by 35 ILCS 120/3, approved June 28, 1933, as amended.

(C) At the time such report is filed, there shall be paid to the state's Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

(D) This section shall be published within ten days of its enactment as provided in 65 ILCS 5/1-2-4 and shall be effective from and after the first day of the calendar month next following the expiration of the ten-day publication period.
(Ord. 437, passed 7-5-1967)

§ 33.09 TAX POLICY.

(A) During the first quarter of each fiscal year, ascertain the total amount of appropriations for all corporate purposes, legally made (by an ordinance [*illegible*] the annually appropriation bill) and the said President and Board of Trustees shall, by ordinance, levy and assess such amount so ascertained upon the real and personal property and railroad property within said village subject to taxation, as the same is assessed for the state and county purposes for the current year, taking into consideration, however, the probable revenue of said village from courses other than by general taxation.

(B) A certified copy of said ordinance, imposing village tax as afore said, shall annually be filed on or before July 31. The County Clerk, whose duty it shall be to ascertain the rate percent, which upon the total valuation of all real and personal property and railroad property subject to taxation within said village as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied and assessed, and it shall be the duty of the County Clerk to extend said tax in a separate column upon the book or books of the collector of state and county within said village.

(C) The tax assessed shall be collected and enforced in the same manner and by the same officer as state and county taxes shall be paid [*illegible*] officer collecting the same to the Village Treasurer.

(D) Whenever said village is required to levy a tax for the payment of any particular debt appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the Village President and Board of Trustees and certified by the County Clerk as aforesaid, but the President and Board of Trustees shall determine in the ordinance making such assessment what proportions of such total amount shall be applicable to the payment of such particular debt appropriation or liability, and the Village Treasurer shall set apart such proportion of the tax collected and paid to him or her for the payment of such particular debt, appropriation, or liability and shall not disburse the same for any other purpose until such debt, appropriation, or liability shall have been discharged.

(E) All taxes levied or assessed by said village, except [*illegible*] assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of said village, and no property shall be exempt from taxation under the constitution and general laws of the state.

(1) The Village Clerk shall annually, in making his or her report, particularly specify the probable liabilities of said village during the current fiscal year as follows:

- (a) For officer salaries ___;
- (b) For sidewalk and crossings ___;
- (c) For streets and alleys ___;
- (d) For water and light ___;
- (e) For printing ___;

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- (f) For elections ___;
- (g) Public buildings and grounds ___; and
- (h) Sewerage ___.

(2) He or she shall also state the probable aggregate revenue from fines, poll tax, licenses, and other sources of revenue other than direct taxation, and the President and Board of Trustees shall, in the said annual appropriation bill, fix the amount necessary to liquidate each of the aforesaid liabilities and shall certify only to the County Clerk aforesaid such aggregate amount thereof as may be necessary to be raised by direct taxation.

(F) It shall be the duty of the Village Treasurer to keep a separate amount of each of the aforesaid items of liability as fixed annually by the President and the Board of Trustees, and shall credit each its relative amount of the aggregate amount raised by general taxation leaving the deficiency, if any, to be applied or necessary, by order of the President and Board of Trustees, out of the village revenue from other sources.

(G) The revenues rising from fines, poll tax, licenses, and other sources than general taxation shall not be credited to any appropriation except by an express order of the President and Board of Trustees, but the surplus fund belonging to any appropriation (except such special debts as may be expressly provided for in the manner prescribed in division (D) above) may be employed by order of the President and Board of Trustees in the payment of any liability provided for in the annual appropriation bill of said village.

(H) The maximum tax rate limit for the General Corporate Purposes Fund of the village shall be and is hereby established at 0.3599% of the full, fair cash value of all property subject to taxation as assessed and as equalized by the state's Department of Revenue.
(Ord. 103, passed 7-7-1917; Ord. 370, passed 12-9-1951)

TITLE V: PUBLIC WORKS

Chapter

50. WATER

51. BACKFLOW AND CROSS-CONNECTIONS

52. SEWER

CHAPTER 50: WATER

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Administrator of the U.S. Environmental Protection Agency (“EPA”).

APPROVING AUTHORITY. The certified operator of the village’s water system.

CURB COCK or ***CURB STOP.*** 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.

DIRECTOR. The Director of the Illinois Environmental Protection Agency (“IEPA”).

EASEMENT. An acquired legal right for the specific use of land owned by others.

FEDERAL ACT. The Federal 1996 Safe Drinking Water Act, as now or hereafter amended.

MAY. The act referred to is permissible.

MILLIGRAMS PER LITER. A unit of the concentration of water constituent, which is 0.001 g of the constituent in 1,000 ml of water.

ORDINANCE. Ordinance 827 or this chapter.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH. The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

PPM. Parts per million by weight.

SERVICE BOX. A valve box used with corporation or curb cock.

SHALL. The act referred to is mandatory.

STATE ACT. The Illinois Anti-Pollution Bond Act of 1970, being 30 ILCS 405/1 et seq., as now or hereafter amended.

STATE LOAN. The State of Illinois participation in the financing of the construction of water works as provided for by the State Act and for making such loans as filed with the Secretary of State of the State of Illinois.

VILLAGE. The Village of Teutopolis.

WATER FUND. The principal accounting designation for all revenues received in the operation of the water system.

WATER SERVICE CHARGE. The charge(s) levied upon all users of the water system.
(Ord. 827, passed 5-1-2013)

§ 50.02 GROUNDWATER AS POTABLE WATER SUPPLY.

(A) (1) Except for such uses or methods in existence before the effective date of this section, the use or attempt to use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the village, is hereby prohibited within the area described below and shown on Exhibit A, which is attached to Ord. 860 and incorporated herein by reference.

(2) Prohibited area for groundwater as potable water supply parcel identification numbers: 12-18-010-014; 12-18-010-018; 12-18-010-047; 12-18-010-007; 12-18-001-002; 12-18-003-033; 12-18-003-030; 12-18-001-003; 12-18-010-054; 12-18-010-021; 12-18-003-089; 12-18-003-028; 12-18-003-048; 12-18-003-041; 12-18-003-006; 12-18-003-005; and 12-18-003-045.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity or their legal representatives, agents, or assigns.

POTABLE WATER. Any water used for human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.
(Ord. 860, passed 3-2-2016) Penalty, see § 10.99

CONNECTIONS

§ 50.15 SERVICE CONNECTION PERMITS; CHARGES.

(A) No connections to the water system shall be made without a permit issued by the Village Clerk. All such connections shall be made under the supervision of the Approving Authority, and no connection shall be covered until the work has been inspected to the satisfaction of the Approving Authority. Whenever any premises shall hereafter be connected with the water system, a charge shall be made.

(B) The owner, occupant, party, or parties in possession of any house, structure, factory, industrial or commercial establishment, or any other building or structure of any other character which uses water and is located on property within the corporate boundaries of the village shall cause such house, structure, factory, industrial or commercial establishment, or any other building or structure of any other character to be connected with the waterworks system within 90 days following the date that water service becomes available to such property.

(C) (1) In the event the real estate occupied by any water user and connected to the waterworks system becomes contiguous to the corporate boundaries of the village, the owner shall execute a petition, when requested by the village, to annex the said real estate into the corporate boundaries of the village. If the owner fails or refuses to execute such annexation petition within 30 days of the request by the village, the village may disconnect and terminate water service to the real estate.

(2) The expiration of 30 days after the request to execute the annexation petition shall be deemed due and proper notice to disconnect and terminate water service if the owner fails or refuses to execute the annexation petition.

(Ord. 827, passed 5-1-2013) Penalty, see § 10.99

§ 50.16 APPLICATION FOR WATER SERVICE; FEES.

(A) No water from the water system shall be turned on for service into any premises by any person but the Approving Authority. Application to have water turned on shall be made in writing to the Village Clerk and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use and service of the water system by the applicant including, but not limited to, an agreement by the applicant stating that the applicant is responsible for payment of all bills, that the applicant will abide by and accept all of the provisions governing the use of the village water system, and that the applicant will sign any annexation petition presented to the applicant by the village at the time the premises being serviced with water become contiguous to the corporate territory of the village, if such premises are not presently in such territory.

(B) A turn-on fee of \$10 shall be charged for making water service available to the premises.

(C) A turn-off fee of \$10 shall be charged for terminating service to the premises, when the termination occurs at the customer's request.

(D) A reconnection fee of \$25 shall be charged for restoring water service to the premises when

service was terminated for cause and not at the customer's request.
(Ord. 827, passed 5-1-2013)

§ 50.17 WATER SERVICE INSTALLATIONS.

All service pipes and laterals one inch or less from the water mains to the meter shall be installed by, and at the expense of, the village for a distance not to exceed 100 feet. All service pipes and laterals over one inch from the water mains to the meter shall be installed by, and at the expense of, the owner of the property to be served or the applicant for the service. If such water service must cross a public or quasi-public right-of-way that requires boring and casing, the cost of such boring and casing shall be borne by the applicant for the service or the owner of the property being served. All expense for more than 100 feet shall be at the cost of, and installed by, the owner of the property to be served or the applicant for the service. All such water services shall be individually metered. In the event the water main is not located adjacent to the premises, the owner of the property to be served or the applicant for the service, as the case may be, shall pay the cost of extending the same.
(Ord. 827, passed 5-1-2013)

§ 50.18 REPAIRS TO SYSTEM.

All repairs for service pipes and laterals from the water main to the meter shall be made by, and at the expense of, the village. From the meter to the property being served, all repairs and excavations shall be borne by, and at the expense of, the property owner.
(Ord. 827, passed 5-1-2013)

§ 50.19 CROSS-CONNECTIONS.

(A) If, in accordance with the state's Plumbing Code or in the judgment of the Approving Authority, an approved backflow prevention device is necessary for the safety of the public water supply system, the Approving Authority will give notice to the water customer to install such an approved device immediately. The water customer shall, at the customer's own expense, install such an approved device at a location and in a manner in accordance with the state's Plumbing Code and all applicable laws, rules, and regulations, and shall have inspections and tests made of such approved devices as required by the said Plumbing Code and all such laws, rules, and regulations.

(B) No person shall establish or permit to be established, or maintain or permit to be maintained, any connection whereby private, auxiliary, or emergency water supply, other than the regular public water supply of the village, enters the supply or distribution system of the village, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the village and the state's Environmental Protection Agency.

(C) It shall be the duty of the Approving Authority to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of

public record and shall be repeated at least every two years, or as often as the village shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(D) 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 the Approving Authority or his or her 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, tenants, or other occupants of any property so served shall furnish to the Approving Authority any information that the Approving Authority 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 Board of Trustees, be deemed evidence of the presence of improper connections as provided in this section.

(E) The Approving Authority of the village 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 section is known to exist, and to take such other precautionary measures as the Approving Authority 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 section, and until a reconnection fee is paid to the village. Immediate disconnection with verbal notice can be effected when the Approving Authority 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 for such disconnection.

(F) The customer responsible for back siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system.

(Ord. 827, passed 5-1-2013)

§ 50.20 WATER SERVICE PIPE.

All water services used or laid on village property shall be of copper (Type K), polyvinyl chloride (PVC), polyethylene, or polybutylene construction. At no time will any galvanized metal or synthetic pipe be used, except as specified herein.

(Ord. 827, passed 5-1-2013)

§ 50.21 COMPLIANCE WITH PLUMBING REQUIREMENTS.

No water shall be turned on for service to any premises in which the plumbing does not comply with applicable laws, rules, and regulations; provided, that water may be turned on for construction work in

unfinished buildings, subject to the provisions of this chapter.
(Ord. 827, passed 5-1-2013)

§ 50.22 EXCAVATIONS FOR CONNECTIONS.

Excavations for installing service pipes and laterals or repairing the same shall be made in compliance with the provisions relating to making excavations in streets. The placement of any service pipe shall be in compliance with applicable laws, rules, and regulations.
(Ord. 827, passed 5-1-2013)

§ 50.23 SHUT-OFF BOXES.

A water meter shall be placed on every service pipe and shall be located between the curb line and the sidewalk line where this is practicable. Such meter boxes shall be so located that they are easily accessible and shall be protected from frost.
(Ord. 827, passed 5-1-2013)

§ 50.24 WATER SERVICE TO MORE THAN ONE PREMISES.

No customer shall be permitted to connect two premises to the same service line unless such premises are separately metered, nor shall any service line be allowed to cross property to serve premises owned by another party. Duplex flats, double houses, and apartment houses shall be considered as one “premises”. A “premises” shall be construed to cover all buildings and divisions under one common roof, owned by one party, who will be charged for all services to such premises.
(Ord. 827, passed 5-1-2013) Penalty, see § 10.99

USE OF PUBLIC WATER SERVICE

§ 50.35 METERS REQUIRED.

All premises using the village water supply must be equipped with an adequate water meter registering in gallons. All meters one inch or less placed in service to any premises using the village water system will be provided and owned by the village, which retains the right to inspect, repair, and replace them upon reasonable notice to the owner or occupant of the premises. All meters over one inch placed in service to any premises using the village water system will be provided and owned by the owner of the property, who shall be obligated to inspect, repair, and replace them as may be necessary.
(Ord. 827, passed 5-1-2013)

§ 50.36 RESALE OF WATER; UNAUTHORIZED USE.

(A) No water supplied by the waterworks system of the village shall be resold by any customer. No customer may supply water to other users, except for use on the premises and for the purpose specified in such user's approved application.

(B) Not after water is introduced into any building or upon any premises shall any person tamper with any meter, make or employ any other person to make any tap, or connection with work upon the premises for alterations, repairs, extensions, or attachments, without a written permit therefor.

(C) Resale or unauthorized use of water shall be grounds for discontinuance of water service to the customer or the premises, or both.

(Ord. 827, passed 5-1-2013) Penalty, see § 10.99

§ 50.37 REQUIREMENTS AND RESTRICTIONS RELATING TO METERS.

(A) Meters shall be installed in a location that will provide easy access thereto, in accordance with § 50.23.

(B) The Approving Authority shall read or cause to be read every water meter used in the village at such times as are necessary so that the bills may be sent out in a timely manner.

(C) Upon the reasonable request of a customer, a water meter shall be tested for accuracy. If upon testing the meter is found to be over 3% off in accuracy, the meter shall be replaced at no cost to the customer. If the meter is found to be 3% or less in accuracy, then the customer shall pay a testing fee of \$25.

(Ord. 827, passed 5-1-2013)

§ 50.38 TAP-ON FEES.

The tap-on fees for service to each property for which an application for water service has been made shall be as follows.

(A) For meters not exceeding one inch: a fee of \$1,000.

(B) For meters exceeding one inch: a minimum fee of \$1,000, plus the actual cost of installation and materials.

(C) A stainless steel, full circle tapping saddle is required. The connection must be brass and the piping must be copper (Type K) or class 900 PVC.

(Ord. 827, passed 5-1-2013)

§ 50.39 SERVICE FAILURES.

All waterworks service supplied by the waterworks system shall be upon the express condition that the village shall not be liable nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus, or appurtenances connected with said system or any part or portion thereof, or for any interruption of the supply by reason of the breakage of machinery or by reason of stoppage, alterations, extensions, or renewals.
(Ord. 827, passed 5-1-2013)

§ 50.40 SERVICE INTERRUPTION.

(A) The village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the village in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for irrigation.

(B) No claim shall be made against the village by reason of the breaking of any water service, pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants, or other connections, or repairing any part of the water system, or from failure of the water supply or by increasing the water pressure at any time, or from concentrated or restricted use of water as above.
(Ord. 827, passed 5-1-2013)

§ 50.41 TAMPERING WITH SYSTEM.

It shall be unlawful for any person not expressly authorized by the Board of Trustees to tamper with, alter, or damage any part of the village waterworks or supply system, including any meter.
(Ord. 827, passed 5-1-2013) Penalty, see § 10.99

§ 50.42 RIGHT OF ACCESS; USE INSPECTION.

(A) The village, its employees and authorized agents, and the state's Environmental Protection Agency shall have access at all reasonable times to the premises, places, or buildings where water service is supplied for the purpose of inspecting, examining, and testing the consumption, use, and flow of water, and it shall be unlawful for any person to interfere with, prevent, or obstruct the village or its duly authorized agent or the state's Environmental Protection Agency in its duties hereunder.

(B) Every user of the system shall take the same upon the conditions prescribed in this section.
(Ord. 827, passed 5-1-2013) Penalty, see § 10.99

§ 50.43 POWERS AND AUTHORITY OF INSPECTORS.

(A) (1) The Approving Authority and other duly authorized employees and agents of the village and the state's Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and

testing in accordance with the provisions of this chapter.

(2) The Approving Authority or authorized representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(B) (1) While performing the necessary work on private properties referred to in this section, the Approving Authority or duly authorized employees or agents of the village and the state's Environmental Protection Agency shall observe all reasonable safety rules applicable to the premises established by the customer and the customer shall be held harmless for injury or death to the village employees and agents.

(2) The village shall indemnify the customer against liability claims and demands for personal injury or property damage asserted against the customer and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the customer to maintain conditions as required by this chapter.

(C) The Approving Authority and other duly authorized employees and agents of the village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the village holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Ord. 827, passed 5-1-2013)

RATES AND CHARGES

§ 50.55 CHARGES.

(A) The water service charge for the use of and for service supplied by the water facilities of the village shall take into account the cost of operations, maintenance, and replacement of the waterworks system, as well as debt service requirements and capital improvements required to maintain the capacity and performance of the system.

(B) The adequacy of the water service charge shall be reviewed, not less frequently than annually, in connection with the village's annual audit. The water service charge shall be revised periodically to reflect changes in operation, maintenance, and replacement costs, debt service and capital improvements.

(C) The volume of flow used for computing water service charges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.

(D) Beginning May 1, 2014, and on May 1 of each year thereafter, the following rates and charges shall be in effect for billings rendered on or after the following July 1.

(1) *Within corporate boundaries.*

(a) The basic user charge shall increase by \$1, to be applied to all users of the waterworks system whose metered water volume does not exceed 3,000 gallons during a billing cycle.

(b) The surcharge shall increase by \$0.30 for each additional 1,000 gallons, or part thereof, to be applied to all users whose metered water volume exceeds 3,000 gallons but does not exceed 54,000 gallons during a billing cycle.

(c) The additional surcharge shall increase by \$0.30 for each additional 1,000 gallons, or part thereof, to be applied to all users whose metered water volume exceeds 54,000 gallons during a billing cycle.

(2) *Outside corporate boundaries.*

(a) The basic user charge shall increase by \$1.50 for all users of the waterworks system whose metered water volume does not exceed 3,000 gallons during a billing cycle.

(b) The surcharge shall increase by \$0.45 for each additional 1,000 gallons, or part thereof, to be applied to all users whose metered water volume exceeds 3,000 but does not exceed 54,000 gallons during a billing cycle.

(c) The additional surcharge shall increase by \$0.45 for each additional 1,000 gallons, or part thereof, to be applied to all users whose metered water volume exceeds 54,000 gallons during a billing cycle.

(Ord. 827, passed 5-1-2013)

§ 50.56 BILLS.

The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the water service to such premises, and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefor to the village.

(Ord. 827, passed 5-1-2013)

§ 50.57 BILLING CYCLES.

The term “billing cycle”, as used herein, shall consist of two consecutive calendar months, commencing with the first two months in each calendar year and at two-month intervals thereafter.

(Ord. 827, passed 5-1-2013)

§ 50.58 DUE DATE.

The meters will be read by the village every two months, beginning on or about January 1 in each calendar year. If weather conditions or other circumstances prevent the reading of meters, then the village will estimate each water bill. Bills will be mailed by the tenth day of the month in which the meter is read and will be delinquent unless paid by the due date. All payments are due by the thirtieth day of the month in which the meter is read. Bills will be paid to the Village Treasurer or designated representative. (Ord. 827, passed 5-1-2013)

§ 50.59 LATE PAYMENT PENALTY.

(A) There will be a 15% penalty added to each bill that is not paid by the due date. If the bill remains unpaid for seven or more days after the due date, the water service to the premises shall be terminated by the village after written notice of a public hearing is given to the customer at the customer's last known address, and the customer is given an opportunity to show cause at such hearing, in person or in writing, why the water service should not be terminated.

(B) In the event the water service is terminated, it shall not be restored until the delinquency and penalties are paid in full. A reconnection fee shall be charged for restoring water service to the premises if service is terminated for cause, as set forth in § 50.16. (Ord. 827, passed 5-1-2013)

§ 50.60 LIEN; NOTICE OF DELINQUENCY.

(A) Whenever a bill for service remains unpaid for 30 days after service has been rendered, the Village 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 village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(B) If the user whose bill is unpaid is not the owner of the premises and the Village Clerk has notice of this, notice shall be mailed to the owner of the premises if the owner's address be known to the Village Clerk whenever such bill remains unpaid for a period of 45 days after it has been rendered.

(C) The failure of the Village 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 bills as mentioned in division (B) above. (Ord. 827, passed 5-1-2013)

§ 50.61 FORECLOSURE OF LIEN.

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for 45 days after it has been rendered.

(Ord. 827, passed 5-1-2013)

§ 50.62 REVENUES.

(A) All revenues and moneys derived from the operation of the water system shall be deposited in the Water Account of the Water Fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his or her private funds and separate and apart from all other funds of the Village Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

(B) The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the "Water Fund of the Village". Said Treasurer shall administer such Fund in every respect in the manner provided by applicable law.

(Ord. 827, passed 5-1-2013)

§ 50.63 ACCOUNTS.

(A) The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

(B) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost.

(C) The financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the water plant for the current fiscal year;
- (2) Billing data to show total number of gallons billed per fiscal year;
- (3) Debt service for the next succeeding fiscal year;
- (4) Number of users connected to the system; and

(5) Number of non-metered users.
(Ord. 827, passed 5-1-2013)

§ 50.64 ACCESS TO RECORDS.

The state's Environmental Protection Agency or the U.S. Environmental Protection Agency, or its authorized representatives, shall have access to any books, documents, papers, and records of the village which are applicable to the village system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of any special and general conditions to any state grant, or loan agreement and rules or any state loan.
(Ord. 827, passed 5-1-2013)

CHAPTER 51: BACKFLOW AND CROSS-CONNECTIONS

Section

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GENERAL PROVISIONS**§ 51.01 RESPONSIBILITY OF THE SUPERINTENDENT.**

The Superintendent of the Water Department or his or her designated agent shall inspect the plumbing in every building or premises in this village as frequently as, in his or her judgment, may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the village by the plumbing. The Superintendent shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the Superintendent, any plumbing installed or existing contrary to, or in violation of, this chapter and which, in his or her judgment, may therefore permit the pollution of the village water supply or otherwise adversely affect the public health.

(Ord. 548, passed 12-5-1984)

§ 51.02 INSPECTION.

The Superintendent or his or her designated agent shall have the right of entry into any building during reasonable hours for the purpose of making inspection of the plumbing systems installed in such building or premises; provided, that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof. Consistent refusal to allow inspection of a specific dwelling may be cause for requiring installation of suitable backflow protection or discontinuation of potable water service.

(Ord. 548, passed 12-5-1984)

§ 51.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENCY. The department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this chapter.

AIR GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

APPROVED. Accepted by the agency as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

AUXILIARY SUPPLY. Any water source or system other than the potable water supply that may be available in the building or premises.

BACKFLOW. The flow of water or other liquids, mixtures, or substances into the distributing

pipes of a potable supply of water from any source or sources other than its intended source. Back-siphonage is one type of **BACKFLOW**.

BACKFLOW PREVENTER. A device or means to prevent backflow.

BACK-SIPHONAGE. Backflow resulting from negative pressures in the distributing pipes of a potable water supply.

CHECK VALVE. A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CONTAMINATION. See **POLLUTION**.

CROSS-CONNECTION. Any physical connection between a potable water supply and any unapproved source or system through which backflow can occur. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in waste water and/or any other source of contamination. See **BACKFLOW** and **BACK-SIPHONAGE**.

DRAIN. Any pipe that carries waste water or waterborne wastes in a building drainage system.

FIXTURE, PLUMBING. Installed receptacles, devices, or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

FLOOD-LEVEL RIM. The edge of the receptacle from which water overflows.

HAZARD, HEALTH. Any conditions, devices, or practices in the water supply system and its operation which create or, in the judgment of the Superintendent, may create a danger to the health and well-being of the water consumer. An example of a **HEALTH HAZARD** is a structural defect in the water supply system, whether of location, design, or construction that regularly or occasionally may prevent satisfactory treatment of the water supply or cause it to be polluted from extraneous sources.

HAZARD, PLUMBING. Any arrangement of plumbing including piping and fixtures whereby a cross-connection is created.

HYDROPNEUMATIC TANK. A pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

OUTLET. The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

PLUMBING SYSTEM. Includes the water supply and distribution pipes, plumbing fixtures and traps; soil, waste, and vent pipes; building drains and building sewers, including their respective connections, devices, and appurtenances within the property lines of the premises; and water-treating or water-using equipment.

POLLUTION. 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.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.

SURGE TANK. The receiving, nonpressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

VACUUM. Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER, NONPRESSURE TYPE. A vacuum breaker designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE TYPE. A vacuum breaker designed to operate under conditions of static line pressure.

WATER, NON-POTABLE. Water that is not safe for human consumption or that is of questionable potability.

WATER, POTABLE. Water free from contaminants in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the federal and state drinking water regulations and to any regulations of the public health authority having local jurisdiction.

(Ord. 548, passed 12-5-1984)

TECHNICAL REQUIREMENTS

§ 51.15 SAFETY.

A potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from non-potable liquids, solids, or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.

(Ord. 548, passed 12-5-1984)

§ 51.16 CROSS-CONNECTIONS PROHIBITED.

Cross-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, as approved by the authority having jurisdiction, suitable protective devices such as the reduced pressure zone backflow preventer or equal are installed, tested, and maintained to ensure proper operation on a continuing basis.

(Ord. 548, passed 12-5-1984) Penalty, see § 10.99

§ 51.17 INTERCONNECTIONS.

Interconnection between two or more public water supplies shall be permitted only with the approval of the state authority having jurisdiction.

(Ord. 548, passed 12-5-1984)

§ 51.18 INDIVIDUAL WATER SUPPLIES.

Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the state authority having jurisdiction.

(Ord. 548, passed 12-5-1984) Penalty, see § 10.99

§ 51.19 CONNECTIONS TO BOILERS.

Potable water connections to boilers shall be made through an air gap or provided with an approved backflow preventer.

(Ord. 548, passed 12-5-1984) Penalty, see § 10.99

§ 51.20 PROHIBITED CONNECTIONS.

(A) Connection to the potable water supply system is prohibited unless protected against backflow in accordance with § 51.22 or as set out herein.

(B) Examples of fixtures and equipment from which the potable water supply system must be protected include:

(1) Bidets;

(2) Operating, dissection, embalming, and mortuary tables or similar equipment. In such installation, the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments;

(3) Pumps for non-potable water, chemicals, or other substances. Priming connections may be made only through an air gap; and

(4) Building drainage, sewer, or vent systems.

(Ord. 548, passed 12-5-1984) Penalty, see § 10.99

§ 51.21 REFRIGERATING UNIT CONDENSERS.

Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

(Ord. 548, passed 12-5-1984)

PROTECTION AGAINST BACKFLOW AND BACK-SIPHONAGE

§ 51.35 WATER OUTLETS.

A potable water system shall be protected against backflow and back-siphonage by providing and maintaining at each outlet:

(A) An air gap, as specified in § 51.36, between the potable water outlet and the flood-level rim of the fixture it supplies or between the outlet and any other source of contamination; or

(B) An approved device or means to prevent backflow.

(Ord. 548, passed 12-5-1984)

§ 51.36 MINIMUM REQUIRED AIR GAP.

(A) *How measured.* The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

(B) *Size.* The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required air gap shall be three times the effective opening of the outlet. In no case shall the minimum required air gap be less than shown in § 51.58(A).

(Ord. 548, passed 12-5-1984)

§ 51.37 APPROVAL OF DEVICES.

(A) Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the agency Superintendent. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

(B) The agency Superintendent or his or her designee shall inspect routinely such devices, and if

they are found to be defective or inoperative, shall require the replacement thereof.
(Ord. 548, passed 12-5-1984)

§ 51.38 INSTALLATION DEVICES.

(A) *Nonpressure type vacuum breakers.* Atmosphere vacuum breakers shall be installed with the critical level at least six inches above the flood-level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels such as pressure sterilizers, the top of the vessel shall be treated as the flood-level rim, but a check valve shall be installed on the discharge side of the vacuum breaker.

(B) *Reduced pressure principal backflow preventer.* Reduced pressure principle type backflow preventer may be installed subject to full static pressure.

(C) *Devices of all types.* Backflow and back-siphonage preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.
(Ord. 548, passed 12-5-1984)

§ 51.39 TANKS AND VATS.

(A) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than that given in § 51.58(B), the overflow pipe shall be provided with an air gap as close to the tank as possible.

(B) The potable water outlet to the tank or vat shall terminate a distance not less than 1% times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap overflow outlet closed. The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet. Section 51.58(C) illustrates this principle.
(Ord. 548, passed 12-5-1984)

§ 51.40 PROTECTIVE DEVICES REQUIRED.

Approved devices to protect against backflow and back-siphonage shall be installed at all fixtures and equipment where backflow and/or back-siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

(A) *Connections not subject to backpressure.* Where a water connection is not subject to backpressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in § 51.58(D).

(B) *Connections subject to back pressure.* Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or back-siphonage where the water connection is subject to back pressure and an air gap cannot be installed, the Superintendent will require adequate protection which may include the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in § 51.58(E).
(Ord. 548, passed 12-5-1984)

§ 51.41 BOOSTER PUMPS.

When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of less than 20 psi may occur on the suction side of the pump, there shall be installed a low pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.
(Ord. 548, passed 12-5-1984)

MAINTENANCE REQUIREMENTS

§ 51.55 MAINTENANCE RESPONSIBILITY.

It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order, and to make no piping or other arrangements for the purpose of bypassing backflow devices.
(Ord. 548, passed 12-5-1984)

§ 51.56 BACKFLOW PREVENTERS.

Periodic testing and inspection schedules shall be established by the Superintendent for all backflow preventers and the interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. These devices should be inspected frequently after the initial installations to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the Superintendent.
(Ord. 548, passed 12-5-1984)

§ 51.57 NOTIFICATION OF VIOLATION.

The Superintendent shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this chapter of such violation. The Superintendent shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the Superintendent may, if in his or her judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as herein may be provided. (Ord. 548, passed 12-5-1984)

§ 51.58 TABLES AND IMAGES.

(A) *Minimum air gaps for generally used plumbing fixtures.*

<i>Fixture</i>	<i>Minimum Air Gap</i>	
	When not affected by near wall(1) (inches)	When affected by near wall(2) (inches)
Drinking water fountains - single orifice seven-sixteenths of an inch in diameter or multiple orifices having total area of 0.150 square inches (area of circle seven-sixteenths of an inch in diameter).	1.0	1.50
Effective openings greater than one inch.	Two times the diameter of effective opening.	Three times the diameter of effective opening.
Lavatories and other fixtures with effective openings not greater than one-half inch in diameter.	1.0	1.50
Over rim bath fillers and other fixtures with effective openings not greater than one inch in diameter.	2.0	3.0
Sink, laundry trays, goose-neck bath faucets and other fixtures with effective openings not greater than three-fourths of an inch in diameter.	1.5	2.25
Notes to Table:		
(1) Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the diameter of the effective opening for a single wall, or a distance greater than four times the diameter of the effective opening for two intersecting walls.		
(2) Vertical warts, ribs, or similar obstructions extending from the water surface to or above the horizontal		

(B) *Sizes of overflow pipes for water supply tanks.*

<i>Maximum Capacity of</i>	<i>Diameter of Overflow</i>	<i>Maximum Capacity of</i>	<i>Diameter of Overflow</i>
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<i>Water Supply Line to Tank</i>	<i>Pipe (Inches ID)</i>	<i>Water Supply Line to Tank</i>	<i>Pipe (Inches ID)</i>
0 - 50 gpm	2	400 - 700 gpm	5
50 - 150 gpm	2.5	700 - 1,000 gpm	6
100 - 200 gpm	3	Over 1,000 gpm	8
200 - 400 gpm	4		

(C) *Properly protected tank with below rim supply.*

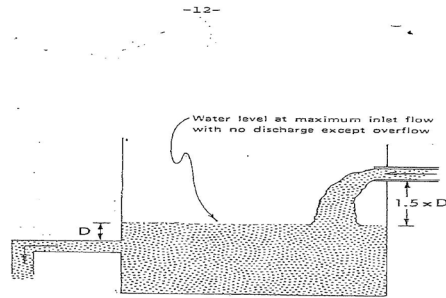


Figure 3.85 Properly protected tank with below rim supply.

(D) *Cross-connections where protective devices are required and critical level (C-L) settings for vacuum breakers.*

<i>Fixture or Equipment</i>	<i>Method of Installation</i>
Aspirators and ejectors	C-L at least six inches above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers - C-L at least six inches above flood-level rim of bowl.
Dishwashing machines	C-L at least five inches above flood level of machine. Install on both hot and cold water supply lines.
Flush tanks	Equip with approved ball cock. Where ball cocks touch tank water, equip with vacuum breaker at least one inch above overflow outlets. Where ball cock does not touch tank water, install ball cock outlet at least one inch above overflow outlet or provide vacuum breaker as specified above.

Flushometers (closet and urinal)	C-L at least six inches above top of fixture supplied.
Garbage can cleaning machine	C-L at least six inches above flood level of machine. Install on both hot and cold water supply lines.
Hose bibbs (where aspirators or ejectors could be connected)	C-L at least six inches above flood level of receptacle served.
Hose outlets	C-L at least six inches above highest point on hose line.
Laundry machines	C-L at least six inches above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 inches above highest sprinkler or discharge outlet.
Steam tables	C-L at least five inches above flood level.
Tanks and vats	C-L at least six inches above flood-level rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
Note to Table:	
*Critical Level (C-L) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.	

(E) *Partial list of cross-connections which may be subject to back pressure.*

Chemical lines	Pressure tanks
Dock water outlets	Pumps
Individual water supplies	Stream lines
Industrial process water lines	Swimming pools
Hose bibbs	Tanks and vats - bottom inlets

(Ord. 548, passed 12-5-1984)

CHAPTER 52: SEWER

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GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

B.O.D. or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in parts per million by weight.

BUILDING DRAIN. The part of the lowest horizontal 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 that begins five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. Any solid, liquid, or gaseous waste resulting from any process or excess energy of industry, manufacturing, trade, or business.

MAY. The act referred to is permissive.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PPM. Parts per million.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.

PUBLIC SEWER. An interceptor or lateral sewer tributary to the sewage treatment works.

SANITARY SEWER. A sewer which carries waste water.

SEWAGE. Water-carried human and related waste from any source.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying either waste water or land runoff, or both.

SHALL. The act referred to is mandatory.

SUPERINTENDENT. The Superintendent or Manager of the village sewage system, or his or her authorized deputy, agent, or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

VILLAGE. The Village of Teutopolis, Illinois, and any reference to “within the village” shall mean all territory within the perimeter of the village boundaries.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 823, passed 9-19-2012)

§ 52.02 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful to discharge to any drainage structure open or enclosed, natural or human-made, including, without limitation, any natural outlet or watercourse within the village or in any area under the jurisdiction of the village, any sanitary sewage, industrial wastes, other polluted waters, or effluent from a private sewage disposal system.

(B) 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.

(C) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer owned by the village is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities with the proper public sewer of the village in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided that said public sewer is within 275 feet of the property line.

(Ord. 823, passed 9-19-2012) Penalty, see § 10.99

§ 52.03 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer of the village is not available under the provisions of § 52.02(C), the building's sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state's Environmental Protection Agency or the state's Department of Public Health. 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 a size suitable for installation of an effective system. If a subsurface soil absorption facility is used, it shall be designed based on percolation tests performed at the site under the following conditions.

(1) Percolation tests may be required to be conducted in the presence of a designated county health official and shall be required in all areas where septic tanks or other soil absorption systems are proposed. Where grading is to be done, such tests shall be made in the soil after finished grade has been constructed.

(2) At least two separate percolation tests shall be performed at the site of each proposed disposal area. More than two percolation tests will be required when the soil structure may vary or where large disposal areas are required.

(3) Preliminary tests for subdividing large tracts shall be made in the amount of one test hole per acre or as prescribed by the county's Health Department.

(4) Percolation tests shall not be made in frozen ground.

(5) Tests shall not be made in filled ground unless the soil has been compacted or allowed to settle to the satisfaction of the county health official.

(C) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 52.02(C), a direct connection shall be made to the public sewer in accordance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(D) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

(E) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Illinois Environmental Protection Agency or the Illinois Department of Public Health. (Ord. 823, passed 9-19-2012; Ord. 873, passed 2-15-2017)

BUILDING SEWERS AND CONNECTIONS**§ 52.15 AUTHORIZATION 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.

(Ord. 823, passed 9-19-2012) Penalty, see § 10.99

§ 52.16 APPLICATION.

The owner or his or her agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any specifications, plans, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$150, with the village furnishing the saddle, for a sewer permit shall be paid to the Village Treasurer at the time the application is filed.

(Ord. 823, passed 9-19-2012)

§ 52.17 COST; LIABILITY.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and the maintenance of said sewer.

(Ord. 823, passed 9-19-2012)

§ 52.18 INDEPENDENT CONNECTIONS.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 823, passed 9-19-2012)

§ 52.19 OLD 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 chapter.

(Ord. 823, passed 9-19-2012)

§ 52.20 MATERIALS.

The underground building sewer shall be PVC, Plastic SDR 35, or greater. All joints shall be bell and O-ring with rubber gaskets. No glue joints shall be permitted.
(Ord. 823, passed 9-19-2012; Ord. 873, passed 2-15-2017)

§ 52.21 INSTALLATION STANDARDS.

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 and other applicable rules and regulations of the village. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the standard specifications for water and sewer main construction in the state shall apply.
(Ord. 823, passed 9-19-2012)

§ 52.22 GRAVITY SEWERS.

(A) No basement, half basement, or any other portion of a building having a floor elevation beneath the ground surface over the public sewer at the point of connection may be connected into the public sewer by gravity. In areas where the ground line over the public sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be 42 inches below finished grade at the point where it enters such building.

(B) In all buildings in which the building drain is too low to provide gravity flow to the public sewer, all sewage carried by such drain shall be lifted by mechanical means. No water-operated sewage injector shall be used.
(Ord. 823, passed 9-19-2012)

§ 52.23 SANITARY SEWER PROTECTED.

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.
(Ord. 823, passed 9-19-2012) Penalty, see § 10.99

§ 52.24 ADDITIONAL REGULATIONS.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the village, or the procedures set forth in appropriate specifications of the standard specifications for water and sewer main construction in the state. All such connections shall be made gas-tight and water-tight. Any deviation

from the prescribed procedures and materials must be approved by the Superintendent before installation.

Ord. 823, passed 9-19-2012)

§ 52.25 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 or her representative.

(Ord. 823, passed 9-19-2012)

§ 52.26 SAFETY.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village and any other governmental agency affected.

(Ord. 823, passed 9-19-2012)

§ 52.27 EXTENSION OF MAINS.

The following requirements shall apply if a sewer extension is requested by a Developer (hereinafter defined):

(A) When a public sanitary sewer is not available, the Village may approve the installation of a sanitary sewer line and connection to the Village's public sanitary sewer.

(B) Any person wanting to make an extension of and connection to the Village's public sanitary sewer ("Developer") shall present such request to the Village Superintendent. The Village Superintendent shall make a preliminary determination as to the feasibility of the extension project, then present his determination to the Board of Trustees for consideration.

(C) Any extension of the public sanitary sewer shall require an Illinois Licensed Professional Engineer's design; and, construction and operating permits from the Illinois Environmental Protection Agency ("IEPA").

(D) Upon approval of the Board of Trustees, the Developer shall be presented with a cost analysis for the extension.

(E) The Village shall charge the Developer a minimum fee not less than \$7,500.00 for up to the first one hundred (100') lineal feet of sanitary sewer line, and \$50.00 per lineal foot thereafter, which shall be increased (but not decreased) by the annual change, if any, in the U.S. Consumer Price Index (U.S., all items, CPI-U).

(F) The distance shall be measured from the center point of access to the Village's public sanitary sewer, to the point of the sanitary sewer connection. At a minimum, the point of the sanitary sewer connection shall be adjacent to the property being served.

(G) In the event rights of way are required for an extension, the Developer shall assist the Village with the solicitation and acquisition of the same.

(H) Since lead time is necessary for the approval process, the engineer's design, IEPA permitting, and for construction, sanitary sewer extension requests shall be made a minimum six (6) months prior to the need for sewer service.

(I) Upon approval and payment of required fees, and subject to the availability of appropriated funds for such purpose, the Village will proceed with engineering and construction of the sanitary sewer extension project on behalf of the Developer, at the Village's expense.
(Ord. 823, passed 9-19-2012; Ord. 873, passed 2-15-2017)

SEWER USE

§ 52.40 POLLUTING STORMWATER DRAIN.

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 any polluting substances to any stormwater drain in the village.
(Ord. 397, passed 7-27-1959) Penalty, see § 10.99

§ 52.41 SANITARY SEWER PROTECTED.

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
(Ord. 823, passed 9-19-2012) Penalty, see § 10.99

§ 52.42 PROHIBITED WASTES.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any liquid or vapor having a temperature higher than 150°F;

(B) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease;

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(C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(D) Any garbage that has not been properly shredded;

(E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(F) Any waters or wastes having a pH lower than 6.5 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(G) Any waters or wastes containing chloride exceeding 500.0 mg/l;

(H) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(I) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(J) Copper exceeding 1.0 mg/l;

(K) Zinc exceeding 1.0 mg/l;

(L) Chrome (Hexavalent) exceeding 0.3 mg/l;

(M) Cadmium exceeding 0.15 mg/l;

(N) Cyanide exceeding 0.025 mg/l;

(O) Fluorides exceeding 2.5 mg/l;

(P) Chlorides exceeding 7,000.0 mg/l;

(Q) Nickel exceeding 1.0 mg/l;

(R) Phenols exceeding 0.3 mg/l; and

(S) Mercury exceeding 0.0005 mg/l.

(Ord. 823, passed 9-19-2012)

§ 52.43 INTERCEPTORS.

(A) Grease, oil, and sand interceptors or retainers shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of the liquid wastes containing grease, oils, or sand in excessive amounts, or any flammable wastes, or other harmful ingredients; except that such

interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(C) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
(Ord. 823, passed 9-19-2012)

§ 52.44 UNUSUAL STRENGTH OR CHARACTER.

(A) The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million weight, containing more than 350 parts per million by weight of suspended solids, containing any quantity of substances having the characteristics described in § 52.42, or having an average daily flow greater than 2% of the average daily sewage flow of the 100,000 G.P.D. shall be subject to the review and approval of the Superintendent.

(B) Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, reduce objectionable characteristics or constituents to within the maximum limits provided for in § 52.42, or control the quantities and rates of discharge of such waters or wastes.

(C) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the state's Environmental Protection Agency, and no construction of such facilities shall be commenced until said approvals are obtained in writing.
(Ord. 823, passed 9-19-2012)

§ 52.45 PRELIMINARY TREATMENT.

(A) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(B) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole 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 or her expense, and shall be maintained by him or her so as to be safe and accessible to the Superintendent at all times.

(C) All measurements, tests, and analyses of the characteristics of waters and wastes, to which reference is made in §§ 52.42 and 52.44, shall be determined in accordance with standard methods for the examination of water and sewage, or a method approved by the Superintendent, and shall be determined at the control manhole provided for in division (B) above, 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; provided the Superintendent shall be permitted to take samples within the premises of the user, including lagoons, ponds, and other places.

(D) No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern.

(Ord. 823, passed 9-19-2012)

§ 52.46 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

(Ord. 823, passed 9-19-2012) Penalty, see 10.99

§ 52.47 POWERS AND AUTHORITY OF INSPECTORS.

The Superintendent and other duly authorized employees of the village shall be permitted to enter upon all properties subject to this chapter for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(Ord. 823, passed 9-19-2012)

RATES AND CHARGES

§ 52.60 RATE SCHEDULE.

(A) Effective on and after May 1, 2015, for bills to be rendered during the month of July 2015, the following rates and charges shall be made for the use of the sanitary sewerage system both within and outside the corporate boundaries of the village.

(1) *Within corporate boundaries.*

(a) A minimum charge of \$20.75 shall be applied to all users whose water consumption does not exceed 3,000 gallons during a billing cycle.

(b) A surcharge of \$3.25 for each additional 1,000 gallons, or part thereof, shall be applied to all users whose water consumption exceeds 3,000 gallons during a billing cycle, but does not exceed 54,000 gallons during a billing cycle.

(c) A surcharge of \$3.33 for each additional 1,000 gallons, or part thereof, shall be applied to all users whose water consumption exceeds 54,000 gallons during a billing cycle.

(2) *Outside corporate boundaries.*

(a) A minimum charge of \$25.25 shall be applied to all users whose water consumption does not exceed 3,000 gallons during a billing cycle.

(b) A surcharge of \$6.46 for each additional 1,000 gallons, or part thereof, shall be applied to all users whose water consumption exceeds 3,000 gallons during a billing cycle, but does not exceed 54,000 gallons during a billing cycle.

(c) A surcharge of \$7.10 for each additional 1,000 gallons, or part thereof, shall be applied to all users whose water consumption exceeds 54,000 gallons during a billing cycle.

(B) The term ***BILLING CYCLE***, as used herein, shall consist of two consecutive calendar months, commencing with the first month in each calendar year, and at two month intervals thereafter.

(C) Sewerage rates for industrial wastes shall be determined by the Village Engineer in accordance with the guidelines for user charge systems and industrial cost recovery systems for state grants under the Anti-Pollution Bond Act, being 30 ILCS 405/1 et seq. ***INDUSTRIAL WASTES***, as used herein, shall mean any solid, liquid, or gaseous waste resulting from any process or excess energy of industry, manufacturing, trade, or business.

(D) The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance, and replacement.

(Ord. 821, passed 8-1-2012)

§ 52.61 CHANGE IN OCCUPANCY.

(A) Any user requesting a termination of service shall give written notice to the village ten days prior to the time such termination of service is desired. The meter shall be read by the village and the user will be billed.

(B) Responsibility for payment of services already consumed. Responsibility for payment for water consumed prior to the date of termination shall be with the property owners as well as the user.

(C) There shall be no charge for transferring the sewer service to the subsequent user.
(Ord. 821, passed 8-1-2012)

§ 52.62 PAYMENT.

Bills will be mailed by the tenth day of the month, in alternating months, and will be delinquent unless paid by the thirtieth day of that month.

(Ord. 821, passed 8-1-2012)

§ 52.63 ACCESS TO RECORDS.

The state's Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers, and records of the village which are applicable to the village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts, and transcriptions thereof to ensure compliance with the terms of the special and general conditions of any state grant.

(Ord. 821, passed 8-1-2012)

§ 52.64 ANNUAL REVIEW.

The village shall annually review user charges and shall annually review the costs of operation and maintenance of the treatment works facilities, and shall annually review said user charges in accordance with the actual costs so as to generate sufficient revenue to offset the cost of all treatment works operation and maintenance.

(Ord. 821, passed 8-1-2012)

TITLE VII: TRAFFIC CODE

Chapter

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CHAPTER 70: GENERAL PROVISIONS

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IN GENERAL

§ 70.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation.
(625 ILCS 5/1-102)

ARTERIAL STREET. Any U.S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
(70 ILCS 1205/3-9)

AUTHORIZED EMERGENCY VEHICLE. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the Fire Department; vehicles of a HazMat or technical rescue team authorized by a county board under § 5-1127 of the Counties Code (55 ILCS 5/5-1127); ambulances; vehicles of the Illinois Department of Corrections; vehicles of the Illinois Department of Juvenile Justice; vehicles of the Illinois Emergency Management Agency; vehicles of the Office of the Illinois State Fire Marshal; mine rescue and explosives emergency response vehicles of the Department of Natural Resources; vehicles of the Illinois Department of Public Health; vehicles of the Illinois State Toll Highway Authority identified as Highway Emergency Lane Patrol; vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; and vehicles of a municipal or county emergency services and disaster agency, as defined by the Illinois Emergency Management Agency Act.
(625 ILCS 5/1-105)

AUTOCYCLE. A three-wheel motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.
(625 ILCS 5/1-104.2)

BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices.
(625 ILCS 5/1-106)

BUS. Every motor vehicle, other than a commuter van, designed for carrying more than ten persons.
(625 ILCS 5/1-107)

BUSINESS DISTRICT. The territory contiguous to and including a highway when within 600 feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side, or 300 feet collectively on both sides of the highway.
(625 ILCS 5/1-108)

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 van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.
(625 ILCS 5/1-111.8)

CONTROLLED-ACCESS HIGHWAY. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street, or roadway.
(625 ILCS 5/1-112)

CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of a highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with the extension forming a right angle to the centerline of the highway;

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface, placed in accordance with the provisions in the manual adopted by the Department of Transportation as authorized in 625 ILCS 5/11-301.
(625 ILCS 5/1-113)

DEPARTMENT. Except as otherwise designated, the Department of Transportation of the State of Illinois.

DRIVER. Every person who drives or is in actual physical control of a vehicle.
(625 ILCS 5/1-116)

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. A self-balancing, two non-tandem wheeled device designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.
(625 ILCS 5/1-117.7)

FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines, and other implements of husbandry, and every implement of husbandry which is self-propelled.
(625 ILCS 5/1-120)

FIRE DEPARTMENT VEHICLE. Any vehicle, bicycle, or electric personal assistive mobility device that is designated or authorized by proper local authorities for Fire Department use.
(625 ILCS 5/1-120.7)

GROSS WEIGHT. The weight of a vehicle, whether operated singly or in combination, without load, plus the weight of load thereon.
(625 ILCS 5/1-125)

HIGHWAY. 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 or located on public

school property.
(625 ILCS 5/1-126)

IMPLEMENT OF HUSBANDRY. Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers, or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer, or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder.
(625 ILCS 5/1-130)

IMPROVED HIGHWAY. Any roadway of concrete, brick, asphalt, macadam and crushed stone, or gravel.
(625 ILCS 5/1-131)

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 40 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway does not constitute an intersection.
(625 ILCS 5/1-132)

LANE-CONTROL SIGNAL. An official traffic-control device consisting of an electrically controlled and illuminated signal of a square or rectangular design, and employing distinctive colors or symbols used to control the direction of vehicular flow on the particular lane to which the indication applies.
(625 ILCS 5/1-135)

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.
(625 ILCS 5/1-136)

LEASE. A written document vesting exclusive possession, use, control, and responsibility of the lessee during the periods the vehicle is operated by or for the lessee for a specific period of time.
(625 ILCS 5/1-137)

LICENSE TO DRIVE. Any driver's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

- (1) Any temporary license or instruction permit;

(2) The privilege of any person to drive a motor vehicle, whether or not the person holds a valid license or permit;

(3) Any nonresident's driving privilege as defined herein.
(625 ILCS 5/1-138)

LIMOUSINE. Any privately owned first division vehicle intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge but is prearranged for a designated destination.
(625 ILCS 5/1-139.1)

LOCAL AUTHORITIES. Every county, city, village, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state and each road district Highway Commissioner having that authority.
(625 ILCS 5/1-140)

LOW-SPEED ELECTRIC BICYCLE. The term has the same meaning ascribed to it by § 38 of the Consumer Product Safety Act (15 U.S.C. § 2085).
(625 ILCS 5/1-140.10)

LOW-SPEED GAS BICYCLE. A two- or three-wheeled device with fully operable pedals and a gasoline motor of less than one horsepower, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.
(625 ILCS 5/1-140.15)

MAIL. To deposit in the United States mail properly addressed and with postage prepaid.
(625 ILCS 5/1-141)

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, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles. For this section, motor vehicles are divided into two divisions:

(1) First division: motor vehicles designed for carrying not more than ten persons.

(2) Second division: motor vehicles designed for carrying more than ten persons, those designed or used for living quarters, and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.
(625 ILCS 5/1-146)

MOTOR-DRIVEN CYCLE. Every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.
(625 ILCS 5/1-145.001)

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MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding an autocycle or tractor.
(625 ILCS 5/1-147)

MOPED. A motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces two brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears.
(625 ILCS 5/1-148.2)

MOTORIZED WHEELCHAIR. Any self-propelled vehicle, including a three-wheeled vehicle, designed for and used by a person with disabilities, that is incapable of a speed in excess of eight miles per hour on level ground.
(625 ILCS 5/1-148.3)

MULTIFUNCTION SCHOOL ACTIVITY BUS. A school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. A ***MFSAB*** is prohibited from meeting the special requirements for school buses in 625 ILCS 5/12-801, 12-803, and 12-805, and 12-802(a).
(625 ILCS 5/1-148.3a-5)

NONCOMMERCIAL VEHICLE. Any vehicle that is not a commercial vehicle.
(625 ILCS 5/1-148.6)

NOT-FOR-HIRE. Operation of a commercial vehicle in furtherance of any commercial or industrial enterprise, but not-for-hire.
(625 ILCS 5/1-153)

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices which conform with the state manual, and not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
(625 ILCS 5/1-154)

OWNER. A person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of the motor vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.
(625 ILCS 5/1-155)

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.
(625 ILCS 5/1-156)

PASSENGER CAR. A motor vehicle of the first division, including a multipurpose passenger vehicle, that is designed for carrying not more than ten persons.
(625 ILCS 5/1-157)

PEACE OFFICER. Any person who by virtue of his or her public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.
(625 ILCS 5/1-157.5)

PEDESTRIAN. Any person afoot or wearing in-line speed skates, including a person with a physical, hearing, or visual disability.
(625 ILCS 5/1-158)

PERSON WITH DISABILITIES. A natural person who, as determined by a licensed physician, by a licensed physician assistant, or by a licensed advanced practice nurse:

(1) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(2) Is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(3) Uses portable oxygen;

(4) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association;

(5) Is severely limited in the person's ability to walk due to an arthritic, neurological, oncological, or orthopedic condition;

(6) Cannot walk 200 feet without stopping to rest because of one of the above five conditions;
or

(7) Is missing a hand or arm or has permanently lost the use of a hand or arm.
(625 ILCS 5/1-159.1)

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests and issue citations for violations of traffic regulations.
(625 ILCS 5/1-162)

POLICE VEHICLE. Any vehicle, bicycle, or electric personal assistive mobility device that is designated or authorized by proper local authorities for police use.

(625 ILCS 5/1-162.3)

PRINCIPAL PLACE OF BUSINESS. The place where any person transacts his or her principal business, or where he or she makes up and approves his or her payroll, maintains a central file of records, and maintains his or her principal executive offices. In the event that not all of these functions are performed in one place, then that place where a majority of these functions are performed, or the place where the person does in fact principally transact and control his or her business affairs shall be considered as the **PRINCIPAL PLACE OF BUSINESS**.

(625 ILCS 5/1-162.5)

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership, and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(625 ILCS 5/1-163)

RAILROAD. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(625 ILCS 5/1-166)

RAILROAD-HIGHWAY GRADE CROSSING. The intersection of stationary rails owned or used in the operation of a railroad corporation across a highway.

(625 ILCS 5/1-166.1)

RAILROAD SIGN OR SIGNAL. Any sign, signal or device, other than an official traffic control signal or device, erected in accordance with the laws governing same and intended to give notice of the presence of railroad tracks or the approach of a railroad train or railroad track equipment.

(625 ILCS 5/1-167)

RAILROAD TRACK EQUIPMENT. All vehicles operated upon rails for the purpose of the maintenance of railroads including, but not limited to, all hi-rail vehicles and on-track roadway maintenance machines, as defined in 49 C.F.R. pt. 214.7.

(625 ILCS 5/1-167.5)

RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(625 ILCS 5/1-168)

RECREATIONAL VEHICLE. Every camping trailer, motor home, mini motor home, travel trailer, truck camper, or van camper used primarily for recreational purposes, and not used commercially nor owned by a commercial business.

(625 ILCS 5/1-169)

REGISTRATION. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

(625 ILCS 5/1-171)

REGISTRATION STICKER. A device to be attached to a registration plate that will renew the registration and registration plate or plates for a predetermined period, not to exceed one registration year.

(625 ILCS 5/1-171)

REMOVE. Includes removing, defacing, covering, or destroying.

RESCUE SQUAD. A voluntary association of individuals, or a fire department, dedicated to saving lives through the rescue of persons entrapped in wrecked vehicles or other hazardous circumstances, and associated with some unit of government.

(625 ILCS 5/1-171.6)

RESCUE VEHICLE. Any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

(625 ILCS 5/1-171.8)

RESIDENCE DISTRICT.

(1) The territory contiguous to and including a highway, not comprising a business district, when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(2) For purposes of establishing maximum speed limits, a **RESIDENCE DISTRICT** shall be at least a quarter of a mile long with residences or residences and buildings in use for businesses spaced no more than 500 feet apart.

(625 ILCS 5/1-172)

RETAIL SALE. The act or attempted act of selling vehicles or otherwise disposing of a vehicle to a person for use as a consumer.

(625 ILCS 5/1-174)

REVOCATION OF DRIVER'S LICENSE. The termination by formal action of the Secretary, of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the secretary after the expiration of at least one year after the date of revocation.

(625 ILCS 5/1-176)

RIGHT-OF-WAY. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision, unless one grants precedence to the other.

(625 ILCS 5/1-177)

ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon, either independently or any part of the weight of a vehicle or load so drawn.

(625 ILCS 5/1-178)

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term **ROADWAY** as used herein shall refer to any such roadway separately, but not to all the roadways collectively.

(625 ILCS 5/1-179)

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(625 ILCS 5/1-181)

SCHOOL BUS.

(1) Every motor vehicle, except as provided in division (2) below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

- (a) A public or private primary or secondary school;
- (b) A primary or secondary school operated by a religious institution; or
- (c) Any public, private, or religious nursery school.

(2) This definition does not include the following:

(a) A bus operated by a public utility, municipal corporation, or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

- 1. On a regularly scheduled route for the transportation of other fare-paying passengers;
- 2. Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events; or
- 3. Being used for shuttle service between attendance centers or other educational facilities.

(b) A motor vehicle of the First Division; or

(c) A multi-function school-activity bus.

(625 ILCS 5/1-182)

SEMITRAILER. 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 its weight and that of its load rests upon or is carried by another vehicle.

(625 ILCS 5/1-187)

SHOULDER. That portion of the highway adjacent to the roadway for accommodating stopped vehicles or for emergency use.

(625 ILCS 5/1-187.1)

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of roadway and the adjacent property lines, intended for use of pedestrians.

(625 ILCS 5/1-188)

SPEED-CHANGE LANE. An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.

(625 ILCS 5/1-193)

STAND or STANDING. The halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers.

(625 ILCS 5/1-194)

STATE. A state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.

(625 ILCS 5/1-195)

STATE HIGHWAYS. Defined in the Illinois Highway Code as the same may from time to time be amended.

(625 ILCS 5/1-196)

STATE POLICE. The Illinois State Police.

(625 ILCS 5/1-197)

STOP. The complete cessation from movement.

(625 ILCS 5/1-199)

STOP or STOPPING. Any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control sign or signal.

(625 ILCS 5/1-200)

STREET. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(625 ILCS 5/1-201)

SUBURBAN DISTRICT. That portion of any city, village, or incorporated town, other than the business and residence districts.

(625 ILCS 5/1-203)

THROUGH HIGHWAY. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to either a stop sign or a yield sign, when those signs are erected as provided in this title.

(625 ILCS 5/1-205)

TOW TRUCK. Every truck designed or altered and equipped for and used to push, tow, or draw vehicles by means of a crane, hoist, towbar, towline, or auxiliary axle, or to render assistance to disabled vehicles.

(625 ILCS 5/1-205.1)

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.

(625 ILCS 5/1-207)

TRAFFIC-CONTROL SIGNAL. Any official traffic-control device other than a railroad sign or signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(625 ILCS 5/1-208)

TRAFFIC REGULATIONS. Any provision of this code or other regulatory ordinance the purpose of which is to directly control or improve traffic and safety of both vehicles and pedestrians.

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.

(625 ILCS 5/1-209)

TRAVEL TRAILER. A trailer, not used commercially, designed to provide living quarters for recreational, camping, or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

(625 ILCS 5/1-210.01)

TRUCK. Every motor vehicle designed, used, or maintained primarily for the transportation of

property.
(625 ILCS 5/1-211)

TRUCK CAMPER. A truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed which is constructed to provide temporary living quarters for recreational, travel, or camping use.
(625 ILCS 5/1-211.01)

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.
(625 ILCS 5/1-212)

URBAN DISTRICT. The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses, and situated at intervals of less than 100 feet for a distance of one-quarter mile or more.
(625 ILCS 5/1-214)

URBAN AREA. An urban area is any incorporated or unincorporated area developed primarily for residential or business purposes.
(625 ILCS 5/1-214.8)

VEHICLE.

(1) Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway or requiring a certificate of title under 625 ILCS 5/3-101(d), except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles as defined in the Snowmobile Registration and Safety Act (625 ILCS 40).

(2) For the purposes of this section, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a “junk vehicle,” as defined under this section, or a junking certificate is issued for it.

(3) For this section vehicles are divided into two divisions:

(a) First division: those motor vehicles which are designed for the carrying of not more than ten persons;

(b) Second division: those vehicles which are designed for carrying more than ten persons; those designed or used for living quarters; those which are designed for pulling or carrying property, freight, or cargo; those vehicles of the first division remodeled for use and used as vehicles of the second division; and those vehicles of the first division used and registered as school buses.
(625 ILCS 5/1-217)

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS**§70.10 OBEDIENCE TO POLICE OFFICERS.**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, firefighter, person authorized by the village to direct traffic, or school crossing guard invested by law with authority to direct, control, or regulate traffic.

(625 ILCS 5/11-203) Penalty, see § 70.99

§ 70.11 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC CODE; EXCEPTIONS.

(A) The provisions of this traffic code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section, and subject to specific exceptions as set forth in this title with reference to authorized emergency vehicles.

(B) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(C) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this traffic code;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;

(3) Exceed the maximum speed limits so long as he or she does not endanger life or property;
and

(4) Disregard regulations governing the direction of movement or turning in specified directions.

(D) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion, or visual signals meeting the requirements of 625 ILCS 5/12-215.

(E) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do these provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

(F) Unless specifically made applicable, the provisions of this traffic code shall not apply to

persons, motor vehicles, and equipment while actually engaged in work upon the highway, but shall apply to such persons and vehicles when traveling to or from work.

(625 ILCS 5/11-205) Penalty, see § 70.99

§ 70.12 TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES.

Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

(625 ILCS 5/11-206) Penalty, see § 70.99

§ 70.13 FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER.

It shall be unlawful for any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing the driver or operator to bring his or her vehicle to a stop, willfully fails or refuses to obey that direction, increases his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer. The signal given by the police officer may be by hand, voice, siren, or a red or blue light. However, the officer giving the signal shall be in police uniform and, if driving a vehicle, the vehicle shall be marked showing it to be an official police vehicle.

Penalty, see § 70.99

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

§ 70.30 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) The driver of any vehicle shall obey the instructions of any official traffic-control accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this traffic code.

(B) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

(C) No provision of this traffic code, for which official traffic-control devices are required, shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective even though no devices are erected or in place.

(D) Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of this traffic code, the device shall be presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of this traffic code, unless the contrary shall be established by competent evidence.

(E) The driver of a vehicle approaching a traffic-control signal on which no signal light facing the vehicle is illuminated shall stop before entering the intersection, in accordance with rules applicable in making a stop at a stop sign.

(625 ILCS 5/11-305) Penalty, see § 70.99

§ 70.31 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) *Green indication.*

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. This vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, as provided in § 70.32, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) *Steady yellow indication.*

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in § 70.32, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(C) *Flashing yellow arrow indication.*

(1) Vehicular traffic facing a flashing yellow arrow indication may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(2) Pedestrians facing a flashing yellow arrow indication, unless otherwise directed by a pedestrian-control signal as provided in § 70.32, may proceed across the roadway within any marked or unmarked crosswalk that crosses the lane or lanes used to depart the intersection by traffic controlled by the flashing yellow arrow indication. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(D) *Steady red indication.*

(1) Except as provided in division (D)(3) and (4), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.

(2) Except as provided in division (D)(3) and (4), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

(3) Except when a sign is in place prohibiting a turn and local authorities by ordinance or state authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by division (D)(1) or (2). After 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 or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

(4) After stopping as required by division (D)(1) or (2), the driver of a motorcycle or bicycle, facing a steady red signal which fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle due to the vehicle's size or weight, shall have the right to proceed, after yielding the right of way to oncoming traffic facing a green signal, subject to the rules applicable after making a stop at a stop sign as required by § 70.41.

(5) Unless otherwise directed by a pedestrian-control signal as provided in § 70.32, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(E) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

(625 ILCS 5/11-306) Penalty, see § 70.99

§ 70.32 PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” or the illuminated symbols of a walking person or an upraised palm are in place, these signals shall indicate as follows:

(A) *“Walk” or walking person symbol.* Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.

(B) *“Don’t Walk” or upraised palm signal.* No pedestrian shall start to cross the roadway in the direction of this signal, but any pedestrian who has partly completed his or her crossing on the “Walk” signal or upraised palm symbol shall proceed to a sidewalk or safety island while the “Don’t Walk” signal or upraised palm symbol is illuminated, steady, or flashing.

(625 ILCS 5/11-307) Penalty, see § 70.99

§ 70.33 LANE-CONTROL SIGNALS.

Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

(A) *Downward-pointing green arrow.* A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise, he or she shall obey all other traffic controls present and follow normal safe driving practices.

(B) *Red X symbol.* A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he or she shall obey all other traffic controls, and follow normal safe driving practices.

(C) *Yellow X (steady).* A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.

(D) *Flashing yellow arrow.* A driver facing this indication may use the lane only for the purpose of

approaching and making a left turn.
(625 ILCS 5/11-308) Penalty, see § 70.99

§ 70.34 FLASHING SIGNALS.

(A) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

(1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles 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 a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(B) This section does not apply at railroad grade crossings.
(625 ILCS 5/11-309) Penalty, see § 70.99

§ 70.35 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, MARKINGS, OR ADVERTISING SIGNS.

(A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, 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, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.

(B) 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.

(C) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same, or cause it to be removed without notice.

(D) No person shall sell or offer for sale any traffic-control device to be used on any street or highway in the village which does not conform to the requirements of this chapter.

(E) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information, and of a type that cannot be mistaken for official signs.

(F) This section shall not be deemed to prohibit the erection of Illinois Adopt-A-Highway signs by the village as provided in the Illinois Adopt-A-Highway Act, 605 ILCS 120/1 *et seq.*
(625 ILCS 5/11-310) Penalty, see § 70.99

§ 70.36 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.
(625 ILCS 5/11-311) Penalty, see § 70.99

§ 70.37 UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES, AND STRUCTURES.

It shall be unlawful for any person to willfully injure or damage any public highway or street, or any bridge or culvert, or to willfully damage, injure, or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof, or for the protection or regulation of traffic thereon, by any willfully unusual, improper, or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by willful mutilation, defacing, destruction, or removal thereof.
(625 ILCS 5/11-312) Penalty, see § 70.99

§70.38 UNLAWFUL 'POSSESSION OF HIGHWAY SIGN OR MARKER.

The Village Street Department, with reference to traffic-control signs, signals, or markers owned by the village, is authorized to indicate the ownership of the signs, signals, or markers in letters not less than three-eighths inch, or more than three-quarters inch in height, by use of a metal stamp, etching, or other permanent means. Except for employees of the Village Street Department, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the village, it is unlawful for any person to possess a sign, signal, or marker so identified.
(625 ILCS 5/11-313) Penalty, see § 70.99

§ 70.39 ZONES OF QUIET.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within the zone shall sound the horn or other warning device except in an emergency.

§ 70.40 NO-TURNING SIGNS AND TURNING MARKERS.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted no driver of a vehicle shall disobey the directions of the sign. When authorized marks, buttons, or other indications are placed within an intersection indicating the course to be travelled by vehicles, no driver of a vehicle shall disobey the directions of the indications.

§ 70.41 STOP AND YIELD SIGNS.

(A) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in 625 ILCS 5/11-302.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
(625 ILCS 5/11-1204) Penalty, see § 70.99

§ 70.99 PENALTY.

Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(A) *Traffic violations.* Whoever violates any provision of this traffic code for which another penalty is not already otherwise provided by ordinance or by appropriate statutory penalty as generally set forth in 625 ILCS 5/16-101 *et seq.* shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$750.

(B) *Parking violations.* Any person accused of a violation of any provision of this traffic code

prohibiting parking a vehicle in a designated area, or restricting the length of time a vehicle may be there parked, or parking in a metered area without putting a coin in the meter to cover the required time, may settle and compromise the claim against him or her for the illegal parking by paying to the village \$3 for each such offense if paid within five days, or \$10 if paid within 21 days. This payment may be made at the police station, a receipt shall be issued for all money so received, and the money shall be promptly turned over to the Village Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved. This section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance in a hospital; nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.

(C) *Obedience to police officers.* Any person convicted of violating § 70.10 is guilty of a petty offense and shall be subject to a mandatory fine of \$150.
(625 ILCS 5/11-203)

(D) *Interference with traffic-control devices.* Every person who is convicted of a violation of §70.36 shall be punished by a fine of at least \$250 in addition to any other penalties which may be imposed.
(625 ILCS 5/11-311)

(E) *Damage to highways, appurtenances, and structures.* Every person who is convicted of a violation of § 70.37 shall be punished by a fine of at least \$250 in addition to any other penalty which may be imposed.
(625 ILCS 5/11-312)

CHAPTER 71: RECREATIONAL VEHICLES

Section

Golf Carts

- 71.01 Definitions
- 71.02 Rules and regulations
- 71.03 Permits

GOLF CARTS

§ 71.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY ROAD. Any highway under the jurisdiction of the county, including the state aid road between State Street and State Route 33.

GOLF CART. The meaning defined in 625 ILCS 5/1-123.9, namely, a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course; provided, however, that the term shall not include an all-terrain vehicle, as defined in 625 ILCS 5/1-101.8, nor an off-highway motorcycle, as defined by 625 ILCS 5/1-153.1, nor a recreational off-highway vehicle, as defined by 625 ILCS 5/1-168.8, nor a vehicle capable of attaining speeds exceeding 20 mph.

STATE ROAD. Any highway under the jurisdiction of the state, including U.S. Route 40.

VILLAGE STREET. Any street within the corporate limits of the village, to the exclusion of state roads and county roads.
(Ord. 851, passed 5-6-2015)

§ 71.02 RULES AND REGULATIONS.

(A) Except as provided in this subchapter, it is unlawful for any person to drive or operate a golf cart upon any village street, state road, or county road within the village.

(B) A person operating a golf cart on the village streets, state roads, or county roads must ensure compliance with the following requirements:

(1) Shall be subject to the mandatory insurance requirements specified by the state's Motor Vehicle Code for passenger vehicles;

(2) Must have a valid driver's license to operate a motor vehicle, issued by the state or any other state;

(3) Must display the permit hereinafter mentioned in a visible location on the golf cart;

(4) Must be equipped with brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in 625 ILCS 5/12.709) on the rear of the golf cart, a headlight that emits a white light visible for a distance of at least 500 feet from the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, turn signals, horn, windshield, approved seat belts for the driver and all passengers, and a triangular orange flag displayed at the top of a six-foot pole mounted to the rear bumper;

(5) When operated on a roadway, a golf cart must have its headlight and tail lamps lighted as required by 625 ILCS 5/12-201;

(6) Must obey all traffic laws of the state and village;

(7) Must be operated by a person of 21 years of age or older;

(8) May not be operated upon U.S. Route 40, except as stated herein;

(9) Any modification to the golf cart suspension may not exceed six inches in height;

(10) Must not exceed a speed of 20 mph;

(11) Golf carts may only be operated on designated village streets from sunrise to sunset. They shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog, or other conditions limiting visibility, nor at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet;

(12) A person who drives or is in the actual physical control of a golf cart on a village street, state road, or county road while under the influence of alcohol, drugs, or intoxicating compounds is subject to 625 ILCS 5/11-501 through 625 ILCS 5/11-502, inclusive;

(13) Golf carts shall not be operated on sidewalks, or in parks or other public places within the village, other than in designated parking areas; and

(14) Golf carts may not be operated on state roads or county roads, except to cross Main Street at its intersection with Pearl Street or Main Street at its intersection with Columbus Street. The village will ensure that proper signage is erected to designate the authorized crossing points.
(Ord. 851, passed 5-6-2015) Penalty, see § 10.99

§ 71.03 PERMITS.

(A) No person shall operate a golf cart without obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of one calendar year and may be renewed annually. A fee of \$50 shall be payable to the village for a permit. The existence of the required insurance coverage shall be verified by the Village Clerk when issuing or renewing the permit.

(B) Every application for a permit shall be on a form supplied by the village and shall contain the following information:

(1) The name and address of the applicant;

(2) The name of the liability insurance carrier;

(3) The serial number, make, model, and description of the golf cart;

(4) A signed waiver of liability by the applicant releasing the village from any and all future claims resulting from the operation of the applicant's golf cart within the village;

(5) A photostatic copy of the liability insurance coverage card issued by the insurance carrier specifically applicable to the golf cart; and

(6) Such other information as the village may reasonably require to ensure compliance with this subchapter.

(C) No permit shall be granted unless the following conditions are met.

(1) The golf cart must be inspected by the Village Chief of Police or his or her designee to ensure that the vehicle is safe to operate on village streets and is in compliance with the requirements of this subchapter.

(2) A physically handicapped applicant requiring a golf cart modified with hand controls must submit a certificate signed by a physician that the handicapped applicant is able to safely operate a motorized golf cart in compliance with this subchapter.

(Ord. 851, passed 5-6-2015) Penalty, see § 10.99

CHAPTER 72: TRAFFIC SCHEDULES

Schedule

- I. Stop signs
- II. Speed limits
- III. One-way streets
- IV. Load limits

SCHEDULE I. STOP SIGNS.

(A) The following intersections are hereby designated as stop intersections and stop signs shall be erected.

<i>Street/Intersection</i>	<i>Description</i>
Automotive Street and Main Street	A stop sign shall be erected and maintained at the point most convenient to stop southbound traffic on Automotive Street approaching Main Street.
Garrett Street and Walnut Street	Two stop signs shall be erected and maintained at this intersection at the points most convenient to stop northbound and southbound traffic approaching Walnut Street.
Garrett Street and Water Street	One stop sign shall be erected and maintained at this intersection at the point most convenient to stop eastbound traffic approaching Garrett Street.
Green Street and Walnut Street	Four stop signs shall be erected and maintained at this intersection at points most convenient to stop eastbound and westbound traffic approaching Green Street and northbound and southbound traffic approaching Walnut Street.
Green Street and Water Street	Two stop signs shall be erected and maintained at this intersection at the point most convenient to stop eastbound and westbound traffic approaching Green Street.
Green Street and Southern Row	Stop signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic on Green Street approaching Southern Row.
Herin Place and Rhine Street	One stop sign shall be erected and maintained at the point most convenient to stop southbound traffic approaching Rhine Street.

<i>Street/Intersection</i>	<i>Description</i>
John Street and Vine Street	A stop sign shall be erected and maintained at the point most convenient to stop northbound traffic on John Street approaching Vine Street.
Mainz Circle and Township Road	One stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic approaching Township Road.
Pearl Street and Elm Street	Three stop signs shall be erected and maintained at the intersection of Pearl Street and Elm Street at the points most convenient to stop northbound and southbound traffic approaching Elm Street and eastbound traffic approaching Pearl Street.
Pearl Street and Walnut Street	Two stop signs shall be erected and maintained at this intersection at the point most convenient to stop northbound and southbound traffic approaching Walnut Street.
Pearl Street and Water Street	One stop sign shall be erected and maintained at this intersection at the point most convenient to stop westbound traffic approaching Pearl Street.
Plum Street and Northern Row	Stop signs shall be erected and maintained at the point most convenient to stop northbound and southbound traffic approaching Northern Row.
Race Street and Elm Street	One stop sign shall be erected and maintained at this intersection at the point most convenient to stop southbound traffic approaching Elm Street.
Race Street and Northern Row	Two stop signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic approaching Northern Row and two stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic approaching Race Street.
Rhine Street and John Street	One stop sign shall be erected and maintained at the point most convenient to stop westbound traffic approaching John Street.
Rhine Street and Oak Street	A stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic approaching Oak Street.
Southern Row and Plum Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic on Southern Row approaching Plum Street and a stop sign shall be erected and maintained at the point most convenient to stop northbound traffic on Plum Street approaching Southern Row.
Southern Row and Wall Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic on Southern Row approaching Wall Street, and stop signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic on Wall Street approaching Southern Row.

<i>Street/Intersection</i>	<i>Description</i>
Vine Street and Oak Street	A stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic on Vine Street approaching Oak Street.
Vine Street and Race Street	A stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic on Vine Street approaching Race Street.
Wall Street and Walnut Street	Two stop signs shall be erected and maintained at this intersection at the point most convenient to stop northbound and southbound traffic approaching Walnut Street.
Walnut Street and Race Street	One stop sign shall be erected and maintained at this intersection at the point most convenient to stop southbound traffic approaching Walnut Street.
Walnut Street and Columbus Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic approaching Columbus Street.
Walnut Street and Oak Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic approaching Oak Street.
Walnut Street and Pearl Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic on Walnut Street approaching Pearl Street.
Water Street and Columbus Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic approaching Columbus Street.
Water Street and Harvester Street	Stop signs shall be erected and maintained at the points most convenient to stop eastbound and westbound traffic approaching Harvester Street; a stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic turning south onto Harvester Street; stop signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic approaching Water Street; and a stop sign shall be erected and maintained at the point most convenient to stop northbound traffic turning east onto Water Street.
Water Street and John Street	Stop signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic approaching Water Street.
Water Street and Oak Street	Stop signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic approaching Water Street.
Water Street and Race Street	A stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic approaching Race Street, and a stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic turning south onto Race Street. Two stop

<i>Street/Intersection</i>	<i>Description</i>
	signs shall be erected and maintained at the points most convenient to stop northbound and southbound traffic approaching Water Street.
Wooden Shoe Road and 1400th Avenue (Deutsch Road)	A stop sign shall be erected and maintained at the point most convenient to stop northbound traffic and southbound traffic on Wooden Shoe Road approaching 1400th Avenue (Deutsch Road).
John Street and State Street	A stop sign shall be erected and maintained at the point most convenient to stop northbound traffic on John Street approaching State Street.
John Street and Morning Glory Lane	A stop sign shall be erected and maintained at the point most convenient to stop westbound traffic on Morning Glory Lane approaching John Street.
Goldenrod Avenue and John Street	A stop sign shall be erected and maintained at the point most convenient to stop westbound traffic on Goldenrod Avenue approaching John Street.
Goldenrod Avenue and Oak Street	A stop sign shall be erected and maintained at the point most convenient to stop eastbound traffic on Goldenrod Avenue approaching Oak Street.
Oak Street and State Street	Two stop signs shall be erected and maintained at this intersection at the points most convenient to stop northbound and southbound traffic on Oak Street approaching State Street.
Farmweld Avenue and U.S. Route 40	A stop sign shall be erected and maintained at the point most convenient to stop northbound traffic on Farmweld Avenue approaching U.S. Route 40.

(B) Every driver of a vehicle shall stop such vehicle at such stop signs before entering said intersection, except where directed to proceed by a law enforcement officer or other traffic-control device.

(C) Any person violating any of the provisions of this schedule shall be fined not less than \$25.00 nor more than \$500.00 for each offense.

(Ord. 411, passed 12-6-1961; Ord. 566, passed 9-16-1987; Ord. 579, passed 4-18-1990; Ord. 610, passed 3-2-1994; Ord. 613, passed 6-15-1994; Ord. 643, passed 3-19-1997; Ord. 652, passed 10-15-1997; Ord. 656, passed 12-17-1997; Ord. 660, passed 7-1-1998; Ord. 677, passed 4-19-2000; Ord. 705, passed 10-3-2001; Ord. 710, passed 3-6-2002; Ord. 722, passed 1-15-2003; Ord. 745, passed 10-6-2004; Ord. 748, passed 1-5-2005; Ord. 775, passed 4-2-2008; Ord. 844, passed 9-3-2014) (rev. 9-19-2016); Ord. 906, passed 10-18-2019.

SCHEDULE II. SPEED LIMITS.

(A) All of the area now within the corporate limits of the village, or hereinafter annexed to the village, is designated as an “urban district”.

(B) The maximum speed limit on all streets located within the urban district of the village is 30 mph and 15 mph in an alley, subject to the limitations set forth in 625 ILCS 5/11-605 pertaining to speed limits while passing schools or while traveling through highway construction or maintenance zones and except for the following.

(1) The maximum speed limit on Main Street (U.S. Route 40) between the west corporate boundary of the village and Bahnhof Street is 50 mph.

(2) The maximum speed limit on Main Street (U.S. Route 40) between Bahnhof Street and Race Street is 40 mph.

(3) The maximum speed limit on Main Street (U.S. Route 40) between Race Street and Wall Street is 35 mph.

(4) The maximum speed limit on Main Street (U.S. Route 40) between Oak Street and the east corporate boundary of the village is 35 mph.

(5) The maximum speed limit on Water Street between Harvester Street and the Crystal Club Road is 35 mph.

(6) The maximum speed limit on Pearl Street between State Street and Elm Street is 35 mph.

(7) The maximum speed limit on Green Street between the village maintenance building located at 413 North Green Street and its intersection with 1550th Avenue is 35 mph.

(C) The Village Clerk is hereby authorized and directed to arrange for the placement of appropriate signs at the proper places along the streets and highways of the village.

(D) Any person violating any of the provisions of this schedule shall be fined not less than \$25.00 nor more than \$500.00 for each offense.

(Ord. 719, passed 11-20-2002)(rev. 9-19-2016)

SCHEDULE III. ONE-WAY STREETS.

(A) The part, portion, or section of Garrett Street lying and being between the north boundary line of the National Road or Main Street and the south boundary line of Walnut Street, all in this village, be and hereby is designated as a one-way street.

(B) The flow or movement of traffic over, in, and upon the above designated portion of Garrett Street shall be in a northerly direction only.

(C) It shall be unlawful to cause the movement of any traffic over, in, and upon the above designated portion of Garrett Street in any direction other than in the direction above designated.

(D) The Village Foreman is hereby designated to post suitable signs indicating one-way traffic at the entrances to the above designated one-way street area and at suitable intervals in, upon, and along said one-way street area.

(E) Any person, firm, or corporation violating any of the provisions of this schedule shall be fined not less than \$25.00 nor more than \$500.00 for each offense.
(Ord. 422, passed 8-5-1964) (rev. 9-19-2016)

SCHEDULE IV. LOAD LIMITS.

(A) It shall be unlawful to drive on any street within the village any motor vehicle with a weight, including load, in excess of that permitted by 625 ILCS 5/15-111, as now or hereafter amended, as well as any other statute of similar import.

(B) It shall be unlawful to operate any vehicle which, with its load, exceeds 18,000 pounds on the street surface within the village, except as set forth below.

(1) The provisions of this section shall not apply to:

- (a) Any vehicle on Main Street;
- (b) Any vehicle on Pearl Street, from Vine Street to the southern corporate boundaries of the village;
- (c) Any vehicle on Green Street, from Main Street to the northern corporate boundaries of the village;
- (d) Any vehicle on Columbus Street, from Main Street to the Conrail right-of-way;
- (e) Any vehicle on Harvester Street;
- (f) Any vehicle on Water Street, from Harvester Street to Race Street;
- (g) Any vehicle on Bahnhof Street; and
- (h) Any vehicle on Wooden Shoe Road.

(2) The provisions of this schedule shall not apply to any vehicle making a delivery or picking up a load, in which case such vehicle may be driven only on such streets for not more than the minimum distance required to make such delivery or such pick up.

(3) The provisions of this schedule shall not apply to any vehicle operated under a special permit in the manner set forth in 625 ILCS 5/11-208(a) et seq., as now or hereafter amended, and any statute of similar import.

(4) The provisions of this schedule shall not apply to any vehicles operated by any public utility within the village to the extent that it is reasonably necessary for said vehicles to travel upon any such street in order to serve the public needs; provided, however, in such case, such vehicles may be driven only on such streets for not more than the minimum distance required, and in the event damage is done to any street, nothing herein shall preclude the village from seeking compensation for the full amount of the damage done by the overweight vehicle.

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(C) It shall be unlawful to operate any vehicle which, with its load, exceeds 80,000 pounds on the following designated streets:

- (1) Green Street, from Main Street to the northern corporate boundaries of the village;
- (2) Columbus Street, from Main Street to the Conrail right-of-way;
- (3) Harvester Street;
- (4) Water Street, from Harvester Street to Race Street; and
- (5) Bahnhof Street.

(D) It shall be unlawful to operate any vehicle which, with its load, exceeds 30,000 pounds on the street surface within the village on the following designated street(s): Pearl Street, from Vine Street to the southern corporate boundaries of the village.

(E) It shall be unlawful to operate any vehicle which, with its load, exceeds 10,000 pounds on the street surface within the village on the following designated street(s): Wooden Shoe Road.

(F) Load limits shall be made known to the public by the posting of signs on streets that limit any motor vehicle with a weight, including load, to less than that permitted by applicable state law.

(G) The village may, by ordinance or resolution, prohibit the operation of vehicles upon any village streets or impose restrictions as to the weight of vehicles to be operated whenever any said street by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced in the manner set forth in 625 ILCS 5/15-316.

(H) Any person, firm, or corporation violating the provisions of this schedule shall be fined not less than \$50.00 nor more than \$500.00.
(Ord. 694, passed 4-18-2001)

CHAPTER 73: PARKING SCHEDULES

Section

I. Parking prohibited

SCHEDULE I. PARKING PROHIBITED.

(A) (1) It shall be unlawful for a person, firm, or corporation to park any motor vehicle in or upon Garrett Street, north of the intersection of Main Street and south of the south line intersection of Walnut Street in said village.

(2) Any person, firm, or corporation violating the provisions of division (A)(1) above shall be subjects to a penalty of no less than \$25.00 nor more than \$500.00.

(B) (1) The proposal of the state to widen and improve Main Street in the village, which street runs east and west through said village, make it necessary that parking on said street be regulated in order to secure the aid of the state in the improvement and maintenance of said street as a state route.

(2) It shall be unlawful to stand or park any vehicle in Main Street in the village, other than parallel with the curb or parallel with the north and south boundaries of that portion of such street as is used for vehicular traffic, and other than with the two right wheels of such vehicle within 12 inches of the regularly established curb or boundary of the portion of said street devoted to vehicular traffic.

(3) It shall be unlawful to stand or park any vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control device:

- (a) In any intersection;
- (b) In a crosswalk;
- (c) Within 20 feet of any intersection or crosswalk;
- (d) Within 15 feet of a fire hydrant; and
- (e) At any place where the vehicle would block the use of a driveway.

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(4) Any person, firm, or corporation violating any provision of this division (B) shall be fined not less than \$25.00 nor more than \$100.00 for the first offense. Any person, firm, or corporation violating any provision of this division (B) for a second time or any time thereafter, shall be fined not less than \$25.00 nor more than \$500.00.

(5) Any person arrested for a violation of any provision of this division (B) shall be released upon proper bail being furnished as required by statute. The police officer in command at the station may, in the absence of a Police Magistrate or Justice, prescribe the amount of bail or bond in each instance. Provided that any arrested person may, at his or her request, have the amount of such bond set by a Magistrate or Justice of the Peace, as provided by statute.

(C) (1) It is the finding of this Board that the safety and welfare of the users of that portion of U.S. Route 40, also known as State Bond Issue Route 11, lying within the corporate limits of this village, and the safety and welfare of pedestrians using the village sidewalks adjoining said U.S. Route 40 requires the prohibition of the parking of vehicles between the curbs and sidewalks in the areas lying along the north and the south boundaries of said U.S. Route 40 and within said village.

(2) On said portion of said U.S. Route 40, also known as Main Street, between the east corporate limit and the west corporate limit, no vehicle shall be parked between the curbs of the street and the sidewalk on either side of said Main Street.

(3) Whoever shall violate any provision of this division (C) shall be subject to a fine of not less than \$25.00 nor more than \$500.00 for each and every offense.

(D) (1) The parking of any vehicle on the following portions or sections of streets within the village shall be and is hereby prohibited at all times:

- (a) On the north and south sides of Water Street, between Race Street and Harvester Street;
- (b) On the north side of Water Street, from Harvester Street west 1,000 feet;
- (c) On the east and west sides of Harvester Street, between Water Street and Main Street;
- (d) On the north and south sides of Main Street, between the circle drive entrances in front of the high school;
- (e) On the east and west sides of Race Street, between Water Street and Main Street;
- (f) On the west side of Pearl Street, between Southern Row and State Street;
- (g) On the west side of Pearl Street, between Vine Street and Elm Street;
- (h) On the north and south sides of Vine Street, between Pearl Street and John Street;

(i) On the east and west sides of Bahnhof Street, between Main Street and the railroad tracks;

(j) On the north and south sides of Main Street, at its intersection with the east and west sides of Green Street;

(k) On the east and west sides of 105 South Garrett Street; and

(l) On the east side of Race Street, between Water Street and Northern Row.

(2) The parking of any vehicle on the following portions or sections of streets within the village shall be and is hereby prohibited only during the following days and times:

(a) On the west side of Race Street, between Main Street and the railroad tracks, between the hours of 8:00 a.m. and 3:00 p.m.;

(b) On the east side of Garrett Street, between the point of intersection of the east side of Garrett Street and Main Street and a point on the east side of Garrett Street, which is 36 feet north of said intersection, on Monday through Saturday between the hours of 7:30 a.m. and 5:00 p.m.; and

(c) On Main Street, between the circle drive entrances of the Teutopolis Grade School on a school day when school children are present, between the hours of 7:30 a.m. and 4:00 p.m.

(3) The parking on 206-208 North Pearl Street shall be parallel parking.

(4) The following restrictions are placed on parking in front of the village hall and the village parking lot.

(a) Parking is restricted to a maximum of 15 minutes in front of the village hall, between the curb and the sidewalk.

(b) Parking is prohibited in those areas adjacent to the village hall that are designated and marked as no parking areas.

(5) The Village Clerk is hereby authorized and directed to arrange for the placement of appropriate signs on the above described prohibited parking areas.

(6) Any person violating any of the provisions of this division (D) shall be fined not less than \$10 nor more than \$100 for each offense.

(E) (1) The parking of any vehicle on the south side of Main Street, in the following areas designated as “yellow zones”, shall be and is hereby prohibited at all times:

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- (a) West from the centerline of Race Street a distance of 70 feet;
- (b) East from the centerline of Race Street a distance of 57 feet;
- (c) Between 147 feet east and 190 feet east of the centerline of Plum Street;
- (d) West from the centerline of Columbus Street a distance of 75 feet;
- (e) East from the centerline of Columbus Street a distance of 75 feet;
- (f) Between 216 feet east and 372 feet east of the centerline of Columbus Street;
- (g) West from the centerline of Washington Street a distance of 65 feet;
- (h) East from the centerline of Washington Street a distance of 65 feet;
- (i) Between 94 feet east and 244 feet east of the centerline of Washington Street;
- (j) Between 277 feet east and 389 feet east of the centerline of Washington Street;
- (k) West from the centerline of Wall Street a distance of 32 feet;
- (l) East from the centerline of Wall Street a distance of 253 feet;
- (m) West from the centerline of Green Street a distance of 130 feet;
- (n) East from the centerline of Green Street a distance of 28 feet;
- (o) West from the centerline of Oak Street a distance of 112 feet; and
- (p) East from the centerline of Oak Street a distance of 40 feet.

(2) The Village Clerk is hereby authorized and directed to send a certified copy of this division (E) to the state's Department of Transportation, requesting that signs which read "No Parking In Yellow Zone This Side" be placed on the above described prohibited parking areas.

(3) Any person violating any of the provisions of this division (E) shall be fined not less than \$25.00 nor more than \$500.00 for each offense.
(Ord. 337, passed 5-3-1944; Ord. 393, passed 3-4-1959; Ord. 403, passed 9-29-1960; Ord. 789, passed 6-3-2009; Ord. 826, passed 4-3-2013) (rev. 9-19-2016)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. FAIR HOUSING

92. NUISANCES

CHAPTER 90: ANIMALS

Section

Pet Ownership

- 90.01 Definitions
- 90.02 Rabies vaccination
- 90.03 Dogs; number
- 90.04 Cats; number
- 90.05 Kennel
- 90.06 Issuance and revocation of permits
- 90.07 Owner responsibility
- 90.08 Impoundment
- 90.09 Redemption

Additional Limitations

- 90.20 Dangerous animals
- 90.21 Securing animals
- 90.22 Animals on sidewalks
- 90.23 Obstructing sidewalks
- 90.24 Animals on another's property
- 90.25 Dead animals

PET OWNERSHIP

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Includes dogs and cats.

ANIMAL CONTROL AUTHORITY. The person or persons designated to enforce this subchapter, including the county Animal Control Officer, any law enforcement officer with jurisdiction in the village, and any village official, employee, or agent.

ANIMAL SHELTER. Facility designated or recognized by the village for the purpose of

impounding and caring for animals.

AT LARGE. A dog or cat shall be deemed to be **AT LARGE** when off the property of the owner and not under restraint.

DANGEROUS DOG OR CAT. A dog or cat that, without justification, attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one or more persons or domestic animals.

DWELLING UNIT. The meaning given to it in Chapter 154 of this code, as amended, or any ordinance of the village of similar import.

HUMANE MANNER. Care of an animal to include, but not be limited to, adequate heat, ventilation, and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

KENNEL. An establishment kept for the purpose of breeding, selling, or boarding dogs or cats, or engaged in training dogs or cats.

LOT. The meaning given to it in Chapter 154 of this code, as amended, or any ordinance of the village of similar import

NUISANCE. A dog or cat shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles or molests, attacks, or interferes with persons or other domestic animals on public property.

OWNER. A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat, or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

PERSON. Any natural person, entity, firm, corporation, or association.

RESIDENTIAL DISTRICT. The meaning given to it in Chapter 154 of this code, as amended, or any ordinance of the village of similar import.

RESTRAINT. A dog or cat shall be considered under restraint if it is within and confined to the real property limits of its owner by a pen, leash, electronic fence, or other appropriate means; or if it is outside the real property limits of its owner but is secured by a leash or lead, or under the control of the owner or responsible person designated by the owner.

(Ord. 854, passed 5-20-2015)

§ 90.02 RABIES VACCINATION.

(A) Except as otherwise provided herein, no person shall own, keep, or harbor any dog or cat over six months of age within the village unless such dog or cat is vaccinated. The provisions of this section do not apply to animals held in a veterinary medical facility or government operated or licensed animal shelter.

(B) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest Compendium of Animal Rabies Prevention and Control (Compendium), authored by the National Association of State Public Health Veterinarians and published in the Journal of the American Veterinary Medical Association.

(C) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

(Ord. 854, passed 5-20-2015) Penalty, see § 10.99

§ 90.03 DOGS; NUMBER.

It shall be unlawful to own, possess, keep, maintain, or harbor more than three dogs of more than six months of age in any dwelling unit or on any lot in a residential district within the village.

(Ord. 854, passed 5-20-2015) Penalty, see § 10.99

§ 90.04 CATS; NUMBER.

It shall be unlawful to own, possess, keep, maintain, or harbor more than three cats of more than six months of age in any dwelling unit or on any lot in a residential district within the village.

(Ord. 854, passed 5-20-2015) Penalty, see § 10.99

§ 90.05 KENNEL.

A person may maintain a kennel of four or more dogs or cats for breeding purposes in a location other than in a residential district; however, such person must first pay an annual permit fee on a calendar year basis of \$100. Every facility regulated by this section shall be considered a separate enterprise requiring a separate permit. Notwithstanding the foregoing, no permit fee shall be required of any animal shelter.

(Ord. 854, passed 5-20-2015)

§ 90.06 ISSUANCE AND REVOCATION OF PERMITS.

(A) The village may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this subchapter or any other law governing the protection and keeping of animals.

(B) It shall be a condition of issuance of any permit for a kennel that the animal control authority

shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, the animal control authority shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit or whose permit is revoked may not reapply for a period of at least one year.

(Ord. 854, passed 5-20-2015)

§ 90.07 OWNER RESPONSIBILITY.

(A) All dogs and cats shall be kept under proper restraint, whether on or outside the owner's property.

(B) Every dangerous dog or cat, as determined by the village, shall be confined by its owner within a building or secure enclosure, and shall be securely muzzled or caged whenever off the owner's premises.

(C) The owner of every dog or cat shall be held responsible for promptly picking up any waste left by the owner's animal on any property, public or private, outside the property of the owner.

(D) No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this subchapter.

(E) No person shall keep a dog within the village which is in the habit of barking or howling, or disturbing the peace and quiet of any person within the village.

(Ord. 854, passed 5-20-2015) Penalty, see § 10.99

§ 90.08 IMPOUNDMENT.

(A) Any dog or cat found running at large shall be impounded by the county's Animal Control Officer.

(B) When a dog or cat is found running at large and its ownership is verified by the animal control authority, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

(C) In the event that the animal control authority finds dogs or cats to be kept in an inhumane manner, it shall have the right forthwith to remove or cause to have removed any such animals to an animal shelter.

(D) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

(Ord. 854, passed 5-20-2015)

§ 90.09 REDEMPTION.

(A) Any animal impounded may be redeemed by the owner, subject to the policies and procedures of the county's Animal Control Officer. Any impoundment fees are not considered to be in lieu of any fine or other penalty.

(B) No animal required to be vaccinated under this subchapter may be redeemed until provisions for such vaccination have been fulfilled.

(Ord. 854, passed 5-20-2015)

CHAPTER 91: FAIR HOUSING

Section

- 91.01 Declaration of policy
- 91.02 Definitions
- 91.03 Prohibited acts

§ 91.01 DECLARATION OF POLICY.

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

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

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.
(Ord. 850, passed 5-6-2015)

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS. Housing which is in sound, clean, and weather-tight condition in conformance with applicable local, state, and national codes.

DISCRIMINATE or DISCRIMINATION. 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.

FINANCIAL INSTITUTION. 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.

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 or more human beings, or any real estate so used, designed, or intended for such use.

OWNER. 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.

REAL ESTATE BROKER. Any person, partnership, association, corporation, and/or agent thereof who for a fee or other valuable consideration offers, sells, purchases, exchanges, 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.

REAL PROPERTY. Any real estate, vacant land, building, structure, or housing accommodations within the corporate limits of the village.
(Ord. 850, passed 5-6-2015)

§ 91.03 PROHIBITED ACTS.

(A) 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 his, her, or their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange, rental, or any dealing concerning any housing accommodation and/or real property.

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

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

(2) 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,

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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;

(3) 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;

(4) 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;

(5) To distribute, or cause to be distributed, written material or statements designed to induce any owner or 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;

(6) To make any misrepresentations concerning the listing for sale, 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;

(7) 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; and

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

(Ord. 850, passed 5-6-2015) Penalty, see § 10.99

CHAPTER 92: NUISANCES

Section

General Provisions

- 92.01 Nuisance (repealed by Ord. 901, passed 5-2-2018)
- 92.02 Open well (repealed by Ord. 901, passed 5-2-2018)
- 92.01 Definitions
- 92.02 Final Disposal of Refuse
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- 92.04 Accumulation and Storage of Junk
- 92.05 Nuisances
- 92.06 Enforcement
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Inoperable Vehicles

- 92.15 Definition
- 92.16 Inoperable motor vehicles prohibited
- 92.17 Notice
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Open Burning

- 92.30 Burning prohibited (repealed by Ord. 898, passed 2-21-2018)
- 92.31 Exceptions (repealed by Ord. 898, passed 2-21-2018)
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- 92.34 Exceptions
- 92.35 Restrictions

Plants and Weeds

- 92.45 Nuisance weeds
- 92.46 Height
- 92.47 Notice

- 92.48 Abatement
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GENERAL PROVISIONS

§ 92.01 NUISANCE. (repealed by Ord. 901, passed 5-2-2018)

§ 92.02 OPEN WELL. (repealed by Ord. 901, passed 5-2-2018)

§92.01 DEFINITIONS.

- (A) *Ashes*: The residue from burning of wood, coal, coke or other combustible materials.
- (B) *Automobile Graveyard*: Any establishment or place of business, which is maintained, operated, or used for storing, buying or selling wrecked, junked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
- (C) *Diseased Animal*: An animal showing symptoms of a disease of having an illness or being in an unhealthy state. This shall include a vicious animal.
- (D) *Extermination*: The control and elimination of insects, rodents, or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, trapping, or by any other recognized and legal method of pest elimination.
- (E) *Garbage*: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- (F) *Household Pets*: Dogs, cats, hamsters, birds or similar animals being kept solely on private premises for non-commercial purposes.
- (G) *Illinois Environmental Protection Act*: 415 ILCS 5/1, *et seq.*, as now in effect or as hereafter amended, including any statute of similar import.
- (H) *Infestation*: The presence, within a dwelling or other building, on the premises or storage site of insects, rodents, or other pests.
- (I) *Junk*: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, plastic, debris, or waste; junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material; inoperable appliances, unusable furniture, and dimensional lumber from dismantled buildings.
- (J) *Junk Vehicle*: Any motor vehicle which is wrecked, scrapped, ruined, partially

dismantled, wholly dismantled, inoperative, abandoned or discarded, and/or fails to display current valid licensing.

(K) *Junk Yard*: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and mobile home salvage yard.

(L) *Manure*: The excrement of all domestic animals and fowl and stable bedding.

(M) *Mobile Home Salvage Yard*: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling wrecked, scrapped, junked, ruined or dismantled mobile homes or mobile home parts, and does not include the repair of mobile homes by mobile home dealers who refurbish and sell used but not wrecked, scrapped, junked, ruined, or dismantled homes.

(N) *Motor Vehicle*: Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, go carts, golf carts, lawn or garden mowers or tractors, campers and trailers.

(O) *Person*: Any natural person, firm, club, corporation, association, partnership, company, organization or political subdivision.

(P) *Premises*: Public and/or private property, whether improved or vacant, inhabited or uninhabited, including buildings or other structures, vehicles, watercrafts and/or parts thereof.

(Q) *Refuse*: All putrescible and nonputrescible solid wastes, (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, discarded household appliances and solid market and industrial wastes.

(R) *Rodents*: Rats, mice, opossums and raccoons.

(S) *Rubbish*: Nonputrescible sold wastes (excluding ashes), consisting of both combustible and non-combustible wastes such as paper, cardboard, tin cans, wood, glass, bedding, crockery, and similar materials.

(T) *Scrap Processing Facilities*: Any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principal product is scrap iron, steel or nonferrous scrap for sale for re-melting purposes only.

(U) *Storage Site*: Public or private property, either improved or vacant, including the buildings or structures thereon, vehicles, watercraft, or parts thereof, upon or in which refuse is stored for collection prior to final disposal.

(V) *Vermin*: Roaches, bed bugs, fleas, lice or similar noxious or disgusting animals of small size.

(W) *Negligence*: Property owners allowing, through neglect, trees, bushes, weeds, shrubs,

grass and landscaping material to grow unabated, including, but not limited to: trees growing along building foundations; shrubs and bushes growing to an extraordinary size; unmown lawns; deteriorated roof, siding, or windows; sagging or falling gutters; or, general neglect in maintaining a building.

§92.02 FINAL DISPOSAL OF REFUSE.

(A) All refuse shall be disposed of at an approved site. The location, methods and operations for final disposal of refuse shall conform to requirements of the Illinois Environmental Protection Act. No person shall store, deposit or permit to remain upon the ground or in any waterway, drainage permit to remain upon the ground or in any waterway, drainage ditch, and confined waters within the Village, any refuse or other offensive matter that may attract or harbor flies, rodents, vermin and/or mosquitoes; create offensive odors or unsightliness; or, create a health hazard or nuisance.

(B) All refuse must be transported to the disposal site in a suitable vehicle. All vehicles used for transportation of refuse from the storage/pickup site to the site of final disposal shall have leak-proofed beds, and during transportation shall have sides and tailgates of sufficient height to prevent the spillage of refuse. Any vehicle used for the transportation of dead animals shall also have the bed of the same covered with canvas, tarpaulin or metal, properly fitted to prevent the scatter or loss of refuse. Immediately after the transportation of such dead animals, and prior to such vehicle being parked upon any street or parking lot within the Village, it shall be disinfected with a solution of at least one (1) part of cresol dip to four (4) parts of water, or with some equally effective disinfectant as required by the Illinois Dead Animal Disposal Act (25 ILCS 610/16), as now in effect or as hereafter amended.

§92.03 REFUSE AND STORAGE.

(A) Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, watertight, and easily washable containers, which shall have close-fitting covers and adequate handles or bails to facilitate collection.

(B) Ashes shall be stored in fire-resistant containers with close-fitting covers. Such containers shall be equipped with adequate handles to facilitate collection and shall not be greater than forty-five (45) gallons in capacity for households and forty-five (45) gallons for business establishments. Ashes containing hot embers shall not be placed in containers for collection. The capacity for individual containers shall not apply when approved central storage containers are provided and collection vehicles are equipped with mechanical devices for hoisting and emptying contents of such containers.

(C) Rubbish shall be stored in durable containers with close-fitting covers, except that bulky rubbish such as large cardboard boxes may be bundled so as not to exceed eight (8) feet in length.

(D) No person shall place, leave, store or accumulate any refuse upon a storage site within the Village except as provided in this Chapter and only between collection periods.

(E) All refuse stored on a storage site shall be collected once each week except in those situations where more frequent collection shall be deemed necessary by the authorized representative of the Village. Dead animals are to be disposed of no later than twelve (12) hours or the period of time in which the process of decay becomes offensive, whichever is sooner.

(F) Any dangerous and hazardous materials or substances such as poisons, acids, caustics, pesticides, infested materials, explosives and solid wastes resulting from industrial processes shall not be missed and/or stored with and collected with refuse as defined in this Chapter. Such dangerous and hazardous materials or substances shall be stored, collected and disposed of in any manner prescribed by applicable state law or regulation.

§92.04 ACCUMULATION AND STORAGE OF JUNK.

(A) No person shall accumulate or store on any premises or storage site within the Village any junk except in a junkyard, mobile home salvage yard, automobile graveyard, or scrap processing facility.

(B) No person may hereafter establish a junkyard, mobile home salvage yard, automobile graveyard, or scrap processing facility within the Village.

§92.05 NUISANCES.

(A) In all cases where no provision is made defining unusual conditions which may constitute a nuisance and how the same may be abated, removed or prevented, those offenses and those known to the common law and to the laws of Illinois as nuisances, in addition to those declared herein, may, in case the same exist within the jurisdiction of the Village, be treated as such and proceeded against as provided in this Chapter or any other provision of law applicable thereto.

(B) The following are declared to be public nuisances prejudicial to the public health:

(1) To cause or suffer the carcass of any animal of any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others. Carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected, within twenty-four (24) hours after death.

(2) 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.

(3) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others.

(4) Accumulations of manure, refuse, junk vehicles, junk mobile homes, human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.

(5) Accumulations of garbage, junk, refuse or rubbish, except pending storage in accordance with this Chapter.

(6) The housing of animals or fowl other than household pets.

(7) Any factory, cannery, yard, building or structure of any kind, distillery, livery

stable, cattle shed or yard, packing house, slaughter house, rendering establishment, barn or pool of water, which shall become foul, offensive, or is deemed a health hazard by the Effingham County Health Department.

(8) Any open well, cistern, hole or pit including excavation related to construction that is permitted to remain open without suitable protection. Any such open well, cistern, hole or pit must be filled or securely and tightly covered or barricaded, and it shall be the duty of the owner, occupant or agent of any property on which such open well, cistern, hole or pit is located to fill or keep the same securely and tightly covered or adequately barricaded. If the site is one normally used by pedestrians, warning lights must be provided when natural light is inadequate.

(9) All abandoned refrigerators on any premises shall have the doors removed in accordance with the Illinois Abandoned Refrigerator Act (720 ILCS 505/1), as now in effect or as hereafter amended, and the refrigerant shall be removed by an authorized service representative to avoid violation of the Clean Air Act.

(10) Infestation of vermin and/or rodents on any premises or storage site within the Village.

§92.06 ENFORCEMENT.

This Chapter shall be enforced by the Village Police Department, and by any other law enforcement or other governmental body having jurisdiction thereof, including but not limited to the Effingham County Sheriff's Department and the Effingham County Public Health Department.

§92.07 INSPECTION.

An authorized representative of the Teutopolis Police Department shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining whether this Chapter is being complied with. Refusal by said owner of right of entry shall cause the officer to seek the permission of the court for right of entry.

§92.08 NOTICE TO ABATE.

Upon discovery of any violation of this Chapter by an officer of the Teutopolis Police Department or other person charged with the enforcement of this Chapter, the Village shall issue a notice to the owner, occupant, or agent causing, allowing or permitting such violation, to abate the condition giving rise to the violation within ten (10) days. In the event the owner, occupant, or agent causing, allowing or permitting such violation to occur fails to abate the condition giving rise to the violation within the said ten (10) day period, the Teutopolis Police Department shall issue a citation notice describing the violation and the part of the Chapter violated and stating the date, time and place the violator is to appear in the Circuit Court in Effingham County, Illinois.

§92.09 PENALTY.

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the

enforcement of any of the provisions of this Chapter shall be fined not less than \$100.00 nor more than \$500.00, or required to perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities, or both, for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

(Ord. 901, passed 5-2-2018)

INOPERABLE VEHICLES

§ 92.15 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

INOPERABLE MOTOR VEHICLE. Any motor vehicle from which, for a period of at least seven 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, nor shall the term apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

(Ord. 569, passed 9-7-1988)

§ 92.16 INOPERABLE MOTOR VEHICLES PROHIBITED.

It shall be unlawful for any person to possess an inoperable motor vehicle, whether on public or private property. Inoperable motor vehicles are hereby declared to be a nuisance.

(Ord. 569, passed 9-7-1988) Penalty, see § 10.99

§ 92.17 NOTICE.

It shall be the duty of the Village Clerk to serve or cause to be served a notice upon the owner or occupant of any such premises on which an inoperable motor vehicle is permitted to remain in violation of the provisions of this subchapter, or upon any person having control over an inoperable motor vehicle, and to demand the abatement of the nuisance within seven days thereof.

(Ord. 569, passed 9-7-1988)

§ 92.18 REMOVAL.

The Village Clerk may authorize a law enforcement agency with applicable jurisdiction to remove any inoperable motor vehicle or parts thereof after seven days from the issuance of the notice referred to in § 92.17.

(Ord. 569, passed 9-7-1988)

OPEN BURNING

§ 92.30 BURNING PROHIBITED. (repealed by Ord. 898, passed 2-21-2018)

§ 92.31 EXCEPTIONS. (repealed by Ord. 898, passed 2-21-2018)

§ 92.32 ADDITIONAL REGULATIONS. (repealed by Ord. 898, passed 2-21-2018)

§92.33 DEFINITIONS.

(A) *Brush:* Tree trunks, limbs, branches and twigs.

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

(C) *Landscape waste:* All accumulations of grass or shrubbery cuttings, leaves, flowers and weeds.

(D) *Open burning:* Open burning is the burning of materials where smoke and other emissions are released directly into the air.

(E) *Recreational fire:* An outdoor fire for warmth, cooking for human consumption or temporary nonceremonial purposes where the fire is not larger than three feet by three feet by three feet (3' x 3' x 3') and excludes leaves, grass or shrubbery clippings or cuttings.

§92.34 EXCEPTIONS.

(A) The terms and provisions of this ordinance shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fireplaces, or to self-contained outdoor wood-burning devices or fireplaces.

(B) The terms and provisions of this ordinance shall not apply to the open burning of brush for purposes of ceremonial fires if notice of any ceremonial fire has been given to the fire protection district or fire department serving the area where the fire is to take place. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this ordinance.

§92.35 RESTRICTIONS.

All burning in the Village shall be in accordance with the restrictions enumerated below:

(A) The open burning of landscape waste or brush shall only occur on the property upon which the landscape waste or brush was generated. The burning of any materials other than landscape waste and brush is prohibited.

(B) The following restrictions upon the open burning of landscape waste and brush on the property upon which it was generated shall prevail:

(1) Burning is permitted only on Fridays, Saturdays and Mondays, between six o'clock (6:00) a.m. and six o'clock (6:00) p.m., local time, on such days when skies are sunny.

(2) Burning is not permitted when the wind velocity is in excess of ten (10) miles per hour.

(3) Burning is not permitted within twenty feet (20') of any building, structure, property line or waterway.

(4) Burning is not permitted of any material other than dry landscape waste or brush.

(5) Burning is not permitted on public or private roads, alleys, sidewalks or easements, nor in drainage ditches.

(6) Burning must be supervised by an adult person until the fire is extinguished.

(7) A fire extinguisher, garden hose or water source shall be available at the burning site.

(8) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.

(9) It shall be unlawful for any person to cause or allow any intentional burning of landscape wastes and/or other materials in violation of the above regulations and restrictions.

§92.36 PENALTIES.

Any person who violates any provision of this ordinance shall be punished by a fine not to exceed one hundred dollars (\$100.00) for a first offense and a fine of five hundred dollars (\$500.00) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this ordinance shall be considered factors in aggravation for purposes of the assessment of any fines.

(Ord. 898, passed 2-21-2018)

PLANTS AND WEEDS

§ 92.45 NUISANCE WEEDS.

Any such weeds as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind found growing in any lot or tract of land in the village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(Ord. 513, passed 7-19-1978) Penalty, see § 10.99

§92.46 HEIGHT.

It shall be unlawful for any person to permit weeds, grass, or plants, other than trees, bushes, growing crops, flowers, or other ornamental plants, to grow to a height exceeding twelve (12) inches within the Village. Any such plants exceeding such height are hereby declared to be a nuisance.

(Ord. 901, passed 5-2-2018) Penalty, see § 10.99

§ 92.47 NOTICE.

It shall be the duty of the Village Clerk to serve, or cause to be served, a notice upon the owner or occupant of any such premises on which weeds or plants are permitted to grow in violation of the provisions of this subchapter and to demand the abatement of the nuisance within ten days thereof.

(Ord. 513, passed 7-19-1978)

§ 92.48 ABATEMENT.

If the person so served does not abate the nuisance within ten days after such notice, the Village Clerk may proceed to abate such nuisance, keeping an account of the expense thereof, and such expense shall be charged to, and paid by, such owner or occupant.

(Ord. 513, passed 7-19-1978)

§ 92.49 LIEN.

(A) (1) The reasonable cost for such weed removal or nuisance abatement shall be a lien upon the premises. Whenever such charges remain unpaid for a period of 30 days after such cost and expense have been incurred by the village, the Clerk may file with the Recorder of Deeds of the county a notice of lien. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost or expense was incurred by the village.

(2) A copy of such notice of lien shall be mailed to the owner of the premises if his or her address is known.

(3) Upon payment of the cost and expense by the owner of, or persons interested in, such property after notice of lien has been filed, the lien shall be released by the village and the release may be filed of record as in the case of filing notice of lien.

(B) Provided, however, that failure of the Clerk to record such lien or claim 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 such charges as provided in § 92.50.

(Ord. 513, passed 7-19-1978)

§ 92.50 FORECLOSURE OF LIEN.

Property subject to a lien for unpaid weed cutting charges or unpaid nuisance abatement 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 with the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the village.

(Ord. 513, passed 7-19-1978)

Chapter

- 110. GENERAL BUSINESS LICENSING**
- 111. ALCOHOL REGULATION**
- 112. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS**
- 113. SMALL WIRELESS FACILITIES**
- 114. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

CHAPTER 110: GENERAL BUSINESS LICENSING

Section

- 110.01 Application of general licensing provisions
 - 110.02 License permit or registration required
 - 110.03 License fees
 - 110.04 Issuance of licenses, permits, and registrations; collection of fees; refunds
 - 110.05 Application and issuance of licenses, permits, and registrations
 - 110.06 License permit or registration term, expiration, and renewal
 - 110.07 Display of license, permit, or registration
 - 110.08 Nature and transferability of license, permit, or registration; unlawful use
 - 110.09 Name and place of business; change of business location
 - 110.10 Inspections; admission to premises; samples
 - 110.11 Revocation or suspension of license or permit
- 110.99 Penalty

§ 110.01 APPLICATION OF GENERAL LICENSING PROVISIONS.

The policies, procedures and regulations contained in this chapter shall be known as the general licensing provisions of the village. These policies, procedures, and regulations shall govern all situations where a more specific licensing section is silent, except where a specific licensing section is exempted by its terms from the general provisions or is in conflict with these general provisions.

§ 110.02 LICENSE PERMIT OR REGISTRATION REQUIRED.

No person shall operate any business, occupation, activity, or establishment, either by himself, herself or itself or through an agent, employee, partner, or corporate officer for which a license, permit, or registration is required by this code or by any village ordinance, without first having obtained the required license, permit, or registration for the business, occupation, activity, or establishment.

Penalty, see § 110.99

Statutory reference:

State law as to power of village relative to the issuance and revocation of licenses, see 65 ILCS 5/11-60-1

§ 110.03 LICENSE FEES.

Each business, occupation, activity, or establishment for which a license, permit, or registration is required shall also be required to pay a fee as set and determined by the Board of Trustees.

§ 110.04 ISSUANCE OF LICENSES, PERMITS, AND REGISTRATIONS; COLLECTION OF FEES; REFUNDS.

(A) All licenses and permits shall be signed by the President and all licenses, permits, and registrations shall be issued by the Clerk, unless otherwise provided in this code.

(B) All fees shall be payable to the village and shall be collected by the Clerk.

(C) Any license, permit, or registration fees paid in accordance with the provisions of this chapter shall not be refunded unless otherwise provided in this code.

§ 110.05 APPLICATION AND ISSUANCE OF LICENSES, PERMITS, AND REGISTRATIONS.

(A) Application for any license or permit shall be filed with and on the form provided by the Clerk, which form shall include the business address and telephone number of the establishment for which the license or permit is sought, and the business address and telephone number of the applicant unless otherwise provided in this code. The application form shall contain the required information as to each person applying for a license or permit, and be signed by the applicant. Where the applicant is a corporation, group, or association, the chief executive and chief fiscal officers shall sign, indicating their official capacity, and verify the application. Where a partnership is an applicant, all partners shall sign and verify the application.

(B) The Clerk shall review all applications and conduct or cause to be conducted inspections when necessary to verify information contained in any application.

(C) If the provisions of this code have been complied with, the Clerk shall recommend to the President that the application be approved. If the provisions have not been complied with, he or she shall recommend denial.

(D) The President shall be responsible for approving or denying any license or permit for which he or she is designated in this code to approve or deny. Upon receipt of any application, the President shall approve it provided that the requirements of this code have been complied with. He or she shall immediately forward the approved application to the Clerk who will notify the applicant. The Clerk shall issue the license or permit upon receipt of proof from the applicant that the required fees have been paid.

(E) If, after due consideration, the President determines that the provisions of this code have not been satisfied, he or she shall deny the application. He or she shall notify the applicant and the Clerk, in writing, that the application has not been approved and the reasons therefor.

(F) Within ten days from service of the President's notice of denial, the applicant may request, in writing, to the President a hearing before the Board of Trustees, at which the applicant may explain why the application should be approved. A hearing under this division shall take place within 30 days of the receipt of the applicant's request for a hearing. The applicant shall be permitted to be represented by counsel at no expense to the village.

(G) If the applicant does not request a hearing within ten days, the applicant shall have waived the opportunity for a hearing before the Board of Trustees.

(H) Upon presentation of any evidence by the applicant, the Board of Trustees shall decide whether the application should be approved or denied.

(I) Provided that the requirements of the code are satisfied, the Board of Trustees shall approve the application. The approved application shall be forwarded to the Clerk. The Clerk shall notify the applicant and issue the license or permit upon receiving proof of payment of fees by the applicant.

(J) In the event the Board of Trustees denies an application, the applicant shall be informed by the Clerk, in writing, of the reason for denial.

§ 110.06 LICENSE PERMIT OR REGISTRATION TERM, EXPIRATION, AND RENEWAL.

(A) Each license, permit, or registration shall indicate its term. Such term shall commence on January 1 of each year, unless otherwise provided in this code. No license, permit, or registration shall be granted for a period longer than one year. Every annual license, permit, or registration shall expire at the end of December 31 following the date of issuance, unless otherwise provided in this code. Any licensee or permittee shall pay the full fees for any annual license, permit, or registration issued from the first day of the license or permit term through the end of the last day of the first six months of the term and pay one-half of the fees from the first day of the second six months of the license or permit term through the last day of the annual term, unless otherwise provided in this code.

(B) The Clerk shall notify all licensees and permittee, no less than 30 days before the expiration of the existing license or permit, that they need to file an application for renewal of their license or permit. A renewal application shall be filed and processed in the same manner as an original application.

§ 110.07 DISPLAY OF LICENSE, PERMIT, OR REGISTRATION.

Unless otherwise provided in this code, every person who is issued a license, permit, or registration shall display such license, permit, or registration in a conspicuous place accessible to the public on the premises where the business, occupation, activity, or establishment is operated.

Penalty, see § 110.99

§ 110.08 NATURE AND TRANSFERABILITY OF LICENSE, PERMIT, OR

REGISTRATION; UNLAWFUL USE.

(A) Any license, permit, or registration required and described in this code shall be a purely personal privilege, not to exceed its designated term. It shall not constitute property and shall not be transferable except as provided in this code.

(B) In the case of the death of any person licensed or permitted under the provisions of this code or other ordinances of the village, before the term of the license or permit shall have expired, his or her surviving partners in the case of a partnership or the legal representative may continue to act under such license or permit for the unexpired term thereof, subject, however, to the conditions imposed on the person to whom it was originally issued.

(C) In the case of the sale of a licensed or permitted business by the current licensee or permittee, the current licensee or permittee may designate the purchasing person or entity to succeed him or her as licensee or permittee. Upon application of the purchaser, a new license or permit may be issued by the President provided that the applicant meets all the criteria applicable to a new licensee or permittee. The purchaser shall pay the required fees for the duration of the license or permit term prior to being issued any license or permit.

(D) No person shall alter, deface, forge, counterfeit, or duplicate any license, permit, or registration issued by the village.
Penalty, see § 110.99

§ 110.09 NAME AND PLACE OF BUSINESS; CHANGE OF BUSINESS LOCATION.

(A) No person granted a license or permit pursuant to this chapter shall operate under any name or operate his or her business under any designation not specified on his or her license or permit.

(B) Where a license, permit, or registration issued under the provisions of this code is only valid for a particular location, the location of the licensed or permitted business, activity, occupation, or establishment may be changed provided that the licensee or permittee makes application to the Clerk not less than 14 days prior to the change of location and that the proposed location complies with all applicable zoning, building, or similar ordinances and that the application is approved by the President.

(C) Where application for change of location is denied, the denial may be reviewed pursuant to the hearing procedures contained in § 110.05.
Penalty, see § 110.99

§ 110.10 INSPECTIONS; ADMISSION TO PREMISES; SAMPLES.

(A) The village shall have authority to inspect any establishment that contains any business occupation or activity for which a license, permit, or registration is required by this code.

(B) Whenever inspection of any establishment used for or in connection with the operation of a

licensed or permitted business, activity, or occupation is provided for or required by ordinance or is reasonably necessary to secure compliance with any ordinance or to detect violations thereof, the licensee, permittee, or person in charge of the establishment shall admit thereto at any reasonable time any village official who is authorized or directed to make the inspections by the President.

(C) Whenever an analysis of any commodity or material is reasonably necessary to secure compliance with the provisions of any ordinance or to detect violations thereof, the licensee, or permittee or person in charge of the establishment shall, upon request, give to any authorized village official samples of the material or commodities sufficient for this analysis.

(D) Written reports of any inspection conducted pursuant to this section shall be made available to the licensee or permittee of the inspected establishment upon written request to the Clerk.

§ 110.11 REVOCATION OR SUSPENSION OF LICENSE OR PERMIT.

(A) Any licensee or permittee found to be in violation of the provisions of this code, as hereinafter provided, may have the license or permit suspended for a period not to exceed 90 days, by the President or have the license or permit revoked by the President.

(B) Any license or permit may be suspended or revoked in accordance with the provisions of this chapter for any of the following reasons or for those reasons specified in other applicable licensing chapters:

(1) The licensee or permittee has knowingly made materially fraudulent or misleading statements in his or her application for any license or permit;

(2) The licensee or permittee has violated ordinance provisions relating to the license, permit, or registration, related thereto the subject matter of the license, permit, or registration, or the establishment occupied;

(3) The licensee or permittee has failed to pay the license, permit, or registration fee or any penalty owing the village;

(4) The licensee or permittee has refused to permit the inspection or investigation or sampling as authorized by this code.

(C) The Clerk is authorized to receive allegations and issue notifications of noncompliance with the provisions of this chapter. Upon receipt of any allegation he or she shall cause an investigation to determine the accuracy of the allegations. Upon completion of the investigation the Clerk shall recommend to the President any action to be taken.

(D) Upon receipt of the recommendation, the President shall take appropriate action which may include the suspension or revocation of the license or permit. Any notice shall be set forth in writing and be served in person or be mailed by certified mail return receipt requested to the licensee or permittee.

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(E) Upon receipt of a notice, the licensee or permittee may within three working days request in writing to the Clerk a hearing before the President. A hearing under this subsection shall take place within ten days of the receipt of the licensee's or permittee's request for a hearing. At any hearing conducted in accordance with this chapter, the President shall hear evidence that is material and relevant to the allegations in the complaint and shall render a decision as to the validity of the complaint. The licensee or permittee shall be permitted to be represented by counsel at no expense to the village and shall have the right to submit evidence and cross-examine all witnesses called.

(F) Where a licensee or permittee does not request a hearing within three working days, the licensee or permittee shall have waived the opportunity for a hearing.

(G) The President shall render a decision in accordance with the provisions of this chapter.

(H) Any license or permit suspension or revocation, if ordered, shall not be in lieu of any penalty imposed for violation of any provision of this code or other ordinance of the village.

§ 110.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$750 for each offense. Each day's violation constitutes a separate offense.

CHAPTER 111: ALCOHOL REGULATION

Section

General Provisions

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Licensing

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GENERAL PROVISIONS**§ 111.01 PURPOSE.**

This chapter shall be construed to the end that the health, safety, and welfare of the people of this village shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted.

(Ord. 810, passed 10-19-2011)

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL. 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 a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing 0.5% or less of alcohol by volume. Nor shall the provisions of this chapter apply to flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but the provisions of this chapter shall not be construed to exclude or not apply to **ALCOHOLIC LIQUOR** used in the manufacture, preparation, or compounding of such products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

BEER. A beverage obtained by 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.

BREW PUB. The term "Brew Pub" means a person who manufactures beer only at the designated premises to make sales of such products to distributors, to make package sales of such products, and who is also allowed to sell at retail from the licensed premises to non-licensees for use and consumption at the designated premises in conjunction with the operation of a restaurant.

(Ord. 871, passed 12-7-2016)

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale 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 room 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 the affairs and management of such club 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 any 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, the members of the club, or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members, its board of directors, or other governing body out of the general revenue of the club.

CONSUMPTION SALE. The sale, or offering for sale, at retail of any alcoholic liquor for consumption on the premises where sold.

DISTRIBUTOR. Any person, other than a manufacturer, who is engaged in the village in purchasing, storing, possessing, or warehousing any alcoholic liquors for resale.

ILLINOIS LIQUOR CONTROL ACT. An act passed by the Fifty-Eighth Illinois General Assembly entitled "An Act Relating to Alcoholic Liquors", being 235 ILCS 5, approved January 31, 1934, as amended.

ILLINOIS LIQUOR CONTROL COMMISSION or **STATE COMMISSION.** The commission created by Art. III, § 1 of the Illinois Liquor Control Act, being 235 ILCS 5/3-1.

IMPORTING DISTRIBUTOR. Any person who imports, or causes to be imported, into this state, any alcoholic liquor for sale or resale within the village.

LICENSED PREMISES. The premises described in the application for the license or in the license as the place where the business is to be carried on.

MANUFACTURER. Every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, or person who fills or refills an original package and any other person engaged in brewing, fermenting, distilling, or rectifying alcoholic liquors as above defined.

ORIGINAL PACKAGE. 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 an alcoholic liquor to contain and to convey any alcoholic liquor.

OWNER or **PROPRIETOR.** Include all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on, whether they be individuals, partners, corporations, joint stock companies, fiduciaries or officers, directors, stockholders of corporations, or otherwise.

PACKAGE SALE. The sale or offering for sale at retail of alcoholic liquor in the original package and not to be consumed, or in fact consumed, in whole or in part on the premises where sold.

PERSON. Any individual, partnership, club, association, or corporation.

PUBLIC PROPERTY. Includes any public highway, street, alley, sidewalk, or public right-of-way; all property owned by the United States, the State of Illinois, any municipality, or any other governmental body or agency; and any property, including private property, which is open to or held out for the use of the public, other than a licensed premises, as defined herein.

RESTAURANT. Any public place having regular menus that is kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served; such space being provided with adequate and separate 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.

RETAIL ESTABLISHMENT WHERE THE SALE OF ALCOHOLIC LIQUOR IS NOT THE PRINCIPAL BUSINESS. Any establishment holding a license for the sale of alcoholic liquor where more than 50% of its gross sales or revenues for any calendar month in the preceding 12 months are for items or services other than alcoholic liquors.

RETAILER. A person who sells, or offers for sale, alcohol for use or consumption and not for resale in any form.

SALE. 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.

SELL AT RETAIL or SALE AT RETAIL. Sales for use or consumption and not for resale in any form.

SPIRITS. Any beverage that 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.

TO SELL. Include soliciting or receiving any order for, and to keep or expose for sale and keep with intent to sell.

WINE. Any alcoholic beverage obtained by the fermentation of the natural content of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(Ord. 810, passed 10-19-2011)

§111.03 MISCELLANEOUS PROVISIONS.

(A) *Closing hours.*

(1) Except as stated below, all licensed premises shall be closed each day of the week from 12:00 a.m. midnight to 6:00 a.m., local time, the following morning. Alcoholic liquor may not be sold

on the licensed premises from 12:00 a.m. midnight to 6:00 a.m., local time, the following morning.

(a) On each morning following Friday and Saturday in each week, all licensed premises shall be closed from 1:00 a.m. to 6:00 a.m., local time, and alcoholic liquor may not be sold on the licensed premises from 1:00 a.m. to 6:00 a.m., local time.

(b) On each Thanksgiving Day morning, all licensed premises shall be closed from 1:00 a.m. to 6:00 a.m., local time, and alcoholic liquor may not be sold on the licensed premises from 1:00 a.m. to 6:00 a.m., local time.

(c) On each New Year's Day morning, all licensed premises shall be closed from 1:00 a.m. to 6:00 a.m., local time, and alcoholic liquor may not be sold on the licensed premises from 1:00 a.m. to 6:00 a.m., local time. (Ord. 885, passed 7-19-2017)

(2) It shall be unlawful to keep open for business or admit the public to any licensed premises where alcoholic liquor is sold at retail during the hours the sale of such liquor is prohibited; provided, however, that in the case of restaurants, clubs, hotels, motels, bowling alleys, and other separate businesses conducted on said premises, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours.

(B) Sales to any person under the age of 21 years, intoxicated persons, and the like; identification cards.

(1) No licensee, agent, or employee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by it to be a habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

(2) Any person to whom the sale, gift, or delivery of alcoholic liquor is prohibited because of age shall not purchase, or accept a gift or delivery of alcoholic liquor from any licensee, or any agent or employee of a licensee, or on any licensed premises, nor shall any such person have alcoholic liquor in his or her possession. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service, or under the direct supervision and approval of the parents or parent of such person in the privacy of a home.

(3) It shall be unlawful for any person under the age of 21 years to represent that he or she is of the age of 21 years for the purpose of gaining eligibility status under this chapter or for the purpose of evading its age restriction. No person shall transfer, alter, or deface an identification card, obtain an identification card by means of false information, or use the identification card of another for the purpose of violating this chapter.

(C) Employment of minors. No licensee, agent, or employee shall permit any person under the age of 18 years to draw, pour, or mix any alcoholic liquor in said premises either as an employee or gratuitously. No licensee, agent, or employee shall permit any person under the age of 18 years to attend any bar, to serve or dispense, or in any other way to handle alcoholic liquor, including packaged liquor, upon its licensed premises.

(D) Approval of sales. Every licensee operating under the provisions of this chapter shall so conduct its licensed premises that every sale of alcoholic beverages is approved on behalf of the licensee by a

competent adult person so designated by the licensee.

(E) *Employees.* It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease that would, because of the applicant's handling or selling of alcoholic liquor and/or food, pose a substantial risk to the health or safety of the public; 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 such premises, or to engage in any way in handling, preparation, or distribution of such liquor.

(F) *Sanitary facilities.* Every holder of a Class A, B, D, or E license shall provide separate toilets and washstands for male and female patrons, and shall maintain the same in a clean and sanitary condition. (Ord. 871, passed 12-7-2016)

(G) *Sanitary conditions.* All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with any ordinances regulating the condition of the premises used for the storage or sale of food for human consumption.

(H) *Zoning.* Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms and provisions of any zoning or similar ordinances of the village.

(I) *Peddling.* It shall be unlawful to peddle alcoholic liquor within the corporate limits of the village.

(J) *Drinking on a public way.* No person shall consume any alcoholic liquor on any public way, public right-of-way, or public property (including, but not limited to, public highways, streets, alleys, parking lots, or sidewalks) within the corporate limits of the village. Nothing herein shall be construed to prohibit the consumption of alcoholic liquor by patrons of the permittee having a temporary permit at any banquet, picnic, bazaar, fair, or similar private or public assembly where food or drink is sold, served, or dispensed, so long as such consumption occurs exclusively on property that is licensed for that particular event.

(K) *Required warning signs.*

(1) Every licensee under the provisions of this chapter shall cause the following warning message to be posted in a conspicuous place on the licensed premises at or adjacent to any cash register.

(2) In every place in the village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows.

(a) Warning: if you are under 21 years of age, you may be guilty of a Class A misdemeanor and you are subject to a fine of up to \$1,000 if you attempt to purchase alcoholic liquor, purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor. Official government issued photo identification will be required to prove age before purchase. (Ord. 871, passed 12-7-2016)

(b) Warning to servers and sellers of alcoholic liquor: if you sell, give, or deliver alcoholic liquor to a person less than 21 years of age, you are subject to a minimum fine of \$200 under the village liquor control ordinance. Official government-issued photo identification should be requested from patrons to prove age before making a purchase.

(3) Posters for displaying the warning message shall be furnished to each licensee by the Village Clerk.

(L) *Gambling*. No gambling shall be permitted and no gambling device shall be kept in any premises licensed or permitted pursuant to this chapter. This prohibition, however, shall not apply to any game or gaming event for which a license or permit has been issued by the state's Department of Revenue or the state's Gaming Board pursuant to the Pull Tabs and Jar Games Act, 230 ILCS 20/1 et seq., the Bingo License and Tax Act, 230 ILCS 25/1 et seq., the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., the Charitable Games Act, 230 ILCS 20/1 et seq., or any statute of similar import, so long as such game or gaming event is conducted in compliance with all requirements of said acts and all rules and regulations of the state acting through its Department of Revenue or any other agency having jurisdiction thereof.

(Ord. 810, passed 10-19-2011; Ord. 819, passed 8-1-2012) Penalty, see § 111.99

§ 111.04 ADOPTION OF STATE LAW.

All of the provisions of the state's Liquor Control Act, being 235 ILCS 5, as now or hereafter amended, and of the rules and regulations issued by the state's Liquor Control Commission, which are or may hereafter be in force, which are applicable to the village, are hereby incorporated into and declared to be a part of this chapter the same as if they were expressly set forth herein.

(Ord. 810, passed 10-19-2011)

LICENSING

§ 111.15 LICENSE REQUIRED.

No person within the corporate limits of the village shall offer for sale at retail, or sell at retail, alcoholic liquor without first having obtained a license or permit to do so, as provided in this chapter.

(Ord. 810, passed 10-19-2011) Penalty, see § 111.99

§ 111.16 CLASSIFICATION OF LICENSES.

Licenses to sell alcoholic liquor at retail shall be of the following classes.

(A) Class A. A Class A license shall entitle the licensee to make consumption sales and package sales of alcoholic liquor, except that this classification shall not be construed so as to permit package

sales without also making consumption sales.

(B) Class B. A Class B license shall entitle the licensee to make consumption sales of alcoholic liquor and package sales of wine; provided, however, that package sales of wine shall only be made incidental to a wine tasting that must be conducted as a private event not open to the public. This classification of license may only be issued to a licensee defined as a club.

(C) Class C. A Class C license shall entitle the licensee to make package sales of alcoholic liquor not to be consumed, or in fact consumed, in whole or in part on the premises where sold.

(D) Class D. A Class D license shall entitle the licensee to sell only beer and wine by the drink and in the original package for consumption on the premises where sold. This classification of license may only be issued for a location defined as a restaurant.

(E) Class E. A Class E license shall entitle the licensee to operate a brew pub, and to sell only beer at retail from the licensed premises to non-licensees by the package and for use and consumption at the designated premises in conjunction with the operation of a restaurant.

(F) Temporary permit. A temporary permit shall entitle the permittee to sell at retail only beer and wine at any banquet, picnic, bazaar, fair, or similar private or public assembly where food or drink is sold, served, or dispensed. Such temporary permit shall be issued only to a club, church, society, fraternal, or benevolent organization that has been organized not for pecuniary profit. Such temporary permit shall permit the sale of beer and wine for a period of not more than seven days, and not more than one temporary permit shall be granted to any such club, church, society, fraternal, or benevolent organization in any one period of 30 days. Such temporary permit shall permit the sale of beer and wine only for consumption upon the premises where sold or served, and shall not permit the sale of beer and wine in the original package or upon any premises which are not within the village.

(Ord. 810, passed 10-19-2011; Ord. 871, passed 12-7-2016)

§ 111.17 SEPARATE LICENSE REQUIRED FOR EACH LOCATION.

A separate license must be obtained for each location desired by the applicant for a license under the provisions of this chapter.

(Ord. 810, passed 10-19-2011)

§ 111.18 APPLICATION FOR LICENSE; INFORMATION TO BE SHOWN.

(A) Any person desiring a license authorized by this chapter shall make application therefor to the Local Liquor Control Commissioner. A separate application shall be made for each license desired by the applicant. Such application shall be in writing upon forms prepared and furnished by the Village Clerk. Each application for a license shall be signed by the applicant and verified by the applicant by oath or affidavit, and shall be filed with the Village Clerk. In case the applicant is a partnership, all partners must sign and verify the application. In case the applicant is a corporation or club, all officers and directors, and any stockholders owning more than 5% of the stock of such corporation, must sign and verify the application and indicate their official position. In case any other person is to conduct the place of

business as manager or agent of the licensee, that person must also sign and verify the application.

(B) The information requested in the application form must be furnished as to each person signing the application. Each application shall contain the following information and statements:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a partnership, the names and addresses of the persons entitled to share in the profits thereof; in the case of a corporation or club, the objects for which organized, and the names and addresses of the officers and directors, and of any stockholder owning more than 5% of the stock of such corporation; and, in any case, the name and address of the manager or agent who is to conduct the place of business for which the license is sought. A club shall attach to its application one copy of a list of the names and residences of its members;

(2) The citizenship of the applicant, and if a naturalized citizen, the time and place of his or her naturalization;

(3) The location where the applicant proposes to engage in the business for which the application was submitted, and whether or not the proposed location is within 100 feet of any church, school, hospital, home for aged or indigent persons or for war veterans, their wives or children, or of any military or naval station;

(4) Whether food for human consumption is to be sold in such place of business if the application is allowed;

(5) Whether the applicant owns the premises for which a license is sought, and if not, the name of the landlord and the term of the lease;

(6) Whether the applicant has made application for a similar or other license on premises other than those described in this application and the disposition of such other application;

(7) Whether or not any license issued to the applicant under this or previous ordinances relating to alcoholic liquor has ever been suspended or revoked;

(8) Whether or not the applicant has ever been convicted of being the keeper or an inmate of a house of ill-fame, of pandering, or of any other crime or misdemeanor opposed to decency or morality;

(9) A statement that the applicant is not, at the time of making the application, connected with a house of ill-fame;

(10) Whether or not the applicant has ever been convicted of a felony, and whether or not the applicant is disqualified to receive the license sought by reason of any manner or thing contained in the laws of this state or this chapter;

(11) A statement that the applicant agrees not to violate any provision of this chapter or ordinances of this village, or any law of the United States or of this state in the conduct of the business, and that in the event such promise is broken or if any statement contained in the application is not true,

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that the license applied for may be immediately suspended or revoked;

(12) Whether or not the applicant, if an individual, or whether each partner, in the case of a partnership, is a bona fide resident of the village;

(13) A statement that the applicant will testify under oath to all relevant and material questions propounded to him or her in any hearing conducted by the Local Liquor Control Commissioner, either before or after the issuance of a license to the applicant, and that the applicant's failure to so testify shall be sufficient reason for the refusal to issue any such license to the applicant, or the renewal thereof, or for the suspension or revocation of any license which has been issued to the applicant; and, a statement that the applicant, if requested by the Local Liquor Control Commissioner, will permit a record of the applicant's fingerprints to be made by the Police Department of the village for the purpose of additional investigation to determine whether the application should be granted;

(14) A statement that the applicant has not accepted, received, or borrowed money, or anything else of value, or accepted or received credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor, or wholesaler of alcoholic liquor, or from any stockholder or officer of any corporation engaged in, or any other person connected with, any such business; and

(15) Whether or not the applicant, his or her spouse, or any member of the applicant's household is a member or employee of the Police Department of the village and whether or not any member or employee of the Police Department of the village is interested in any way, either directly or indirectly, in the license applied for, the premises, or the profits or proceeds from the sale of alcoholic liquor under the license applied for.

(Ord. 810, passed 10-19-2011)

§ 111.19 NUMBER OF LICENSES.

(A) The number of issued liquor licenses of each class shall be as follows.

<i>Classification</i>	<i>Licenses</i>
Class A	4
Class B	2
Class C	4
Class D	1
Class E	1

(Ord. 871, passed 12-7-2016)

(B) Notwithstanding the foregoing, any person holding a valid license on the effective date hereof may renew his or her license in accordance with the provisions of § 111.25.
(Ord. 810, passed 10-19-2011)

§ 111.20 LICENSE FEES.

(A) The following annual license fee shall be paid by each licensee for the following license classifications.

<i>Classification</i>	<i>Annual Fee</i>
Class A	\$1,000
Class B	\$500
Class C	\$750
Class D	\$500
Class E	\$1,000

(Ord. 871, passed 12-7-2016)

(B) No license fee for a temporary permit shall be charged.

(C) The fees provided for in this section shall be collected from all initial applicants after the effective date hereof, and from all other licensees commencing on May 1, 2017. This section shall not be construed to alter the fee of any licensee during the term for which such license was issued, until time for renewal of such license. (Ord. 810, passed 10-19-2011; Ord. 871, passed 12-7-2016)

§ 111.21 PAYMENT OF LICENSE FEES.

All fees for all classes of licenses provided in this chapter shall be paid in full in advance of the issuance of said license.
(Ord. 810, passed 10-19-2011)

§ 111.22 TERM.

Each license, other than a temporary permit, shall terminate on April 30 of the next following its issuance, unless sooner revoked.
(Ord. 810, passed 10-19-2011)

§ 111.23 DISPOSITION OF FEES.

All fees shall be paid to the Local Liquor Control Commissioner at the time application is made and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Corporate Fund or in such other fund as shall have been designated by the Board of Trustees after proper action of that body.

(Ord. 810, passed 10-19-2011)

§ 111.24 RESTRICTIONS UPON ISSUANCE OF LICENSES.

No license authorized by this chapter shall be issued to:

(A) A person, or in the case of a partnership, a partner who is not a resident of the village prior to the date of the application;

(B) A person who is not of good character and reputation in the community in which he or she resides;

(C) A person who is not a citizen of the United States;

(D) A person who has been convicted of a felony under the laws of any state or of the United States;

(E) A person who has been convicted of being the keeper 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 and morality;

(G) A person whose license issued under this chapter, or any prior ordinance, has been revoked for any cause;

(H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(I) A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license;

(J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the village, and unless such corporation is incorporated in the state, unless it is a foreign corporation which is qualified to transact business in the state;

(K) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or shall have forfeited his or her bond to appear in

court to answer charges for any such violation; (Ord. 871, passed 12-7-2016)

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

(M) Any law enforcing public official, any President of the village, or any other public official prohibited by the state's Liquor Control Act, being 235 ILCS 5 from possessing a license; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor;

(N) Any person not eligible for a state retail liquor license;

(O) A person whose place of business is conducted by a manager or agent who would not be eligible to receive a license hereunder; and

(P) A person who fails to furnish the information or to make the statements required in the application for license as set forth in this chapter.
(Ord. 810, passed 10-19-2011)

§ 111.25 RENEWAL OF LICENSE.

Any licensee may renew its license at the expiration thereof; provided, that it is then qualified to receive a license, and the premises for which such renewal license is sought is suitable for the purpose; provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall in any case prevent the Board of Trustees from limiting or decreasing the number of licenses to be issued within the village. The requirements for, and the procedure for, obtaining the renewal of a license shall be the same as that provided for in the case of an original application for a license.
(Ord. 810, passed 10-19-2011)

§ 111.26 PRIVILEGE GRANTED BY LICENSE.

(A) A license shall be purely a personal privilege, good for not to exceed one year after issuance or until the following April 30, whichever time is shorter, unless sooner revoked as provided in this chapter. It shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

(B) Such license shall not descend by the laws of testate or intestate devolution, but it shall terminate upon the death of the licensee; provided, that the executor of the will, administrator of the estate of any deceased licensee, or guardian of any disabled licensee, and the trustee or debtor in possession of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of alcoholic liquor under order of any court and may exercise the privileges of the deceased, disabled, insolvent, or bankrupt licensee until the expiration of such license or until six months after the death, disability, insolvency, or bankruptcy of such licensee, whichever is the shorter period of time.

(Ord. 810, passed 10-19-2011)

§ 111.27 TRANSFER OF LICENSE.

All licenses issued under this chapter shall be considered personal, and no license may be transferred to any person.

(Ord. 810, passed 10-19-2011)

§ 111.28 CHANGE OF LOCATION.

(A) Any license issued under this chapter shall be for a single and particular location. Upon application being filed with the Village Clerk for a change of location, the Local Liquor Control Commissioner may allow the location authorized by the particular license to be changed. The form of application shall be substantially similar to that required of an original applicant for license. After investigation, the change of location may be approved or rejected, as in the case of original license applications. If approved, the authorized change of location shall be shown by endorsement upon the face of the existing license.

(B) Nothing herein contained shall be construed to permit any licensee to change the locations of its business to, or operate its business or a portion thereof as, a sub-tenant or otherwise at a location which under this chapter would be prohibited or denied to an original applicant.

(Ord. 810, passed 10-19-2011)

§ 111.29 ANNEXATION OF LICENSED PREMISES.

Whenever the village annexes land upon which a licensed premises is situated, the Local Liquor Control Commissioner may issue a license of substantially the same classification as the license that the licensee of the annexed premises had prior to annexation; provided, that the licensee and the licensed premises meet the requirements of all laws and ordinances applicable to the regulation of the sale of alcoholic liquors, except that no annual license fee shall be charged for that period of time for which said licensee has previously paid any other local governmental jurisdiction.

(Ord. 810, passed 10-19-2011)

§ 111.30 LICENSE TO BE POSTED.

Every licensee under the provisions of this chapter shall cause its license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Ord. 810, passed 10-19-2011)

ADMINISTRATION

§ 111.45 LOCAL LIQUOR CONTROL COMMISSIONER.

The President of the village shall be the Local Liquor Control Commissioner and shall be charged with the administration of the appropriate provisions of the state's Liquor Control Act being 235 ILCS 5, of this chapter, and of such ordinances, resolutions, rules, and regulations relating to alcoholic liquor as hereinafter may be adopted. Whenever in this chapter the Local Liquor Control Commissioner shall be referred to, it shall include such other persons as may be appointed by the Local Liquor Control Commissioner to assist him or her in the performance of the duties herein provided for him or her. (Ord. 810, passed 10-19-2011)

§ 111.46 COMMISSIONER POWERS AND DUTIES.

(A) The President of the village shall serve as the Local Liquor Control Commissioner and shall be charged with the administration of the village's Liquor Control Ordinance and of such other ordinances relating to alcoholic liquor as may be, from time to time, enacted by the Village Board.

(B) The Local Liquor Control Commissioner shall have the following powers and duties with respect to local liquor licenses:

(1) To grant, to suspend for not more than 30 days, or to revoke for cause, all local licenses issued to persons or entities for premises within the village;

(2) To enter or to authorize any law enforcing officer or other village employee designated by the Village Clerk to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law, village ordinance, or any rules or regulations adopted by the village or by the state's Liquor Control Commission have been, or are being, violated, and at such time to examine the premises of the licensee in connection therewith;

(3) To receive complaints from any citizen within the village that any provision of the state law or of this chapter has been, or is being, violated and to act upon any such complaints in the manner provided by law;

(4) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, any licensee upon whom notice of revocation has been served, or any licensee against whom a citation proceeding has been instituted by the state's Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee, and to hear testimony and take evidence for use in the performance of the Commissioner's duties, and for the information of the Commissioner to issue subpoenas which shall be effective in any part of the state. Other persons may be designated by the Commissioner to take action for the purpose of obtaining any of the information desired by the Commissioner under this section;

(5) To appoint any other member of the Village Board to serve as Deputy Local Liquor Control Commissioner, which person shall have full authority to exercise, in the absence of the Local Liquor Control Commissioner, any of the powers and duties enumerated herein, except as the Commissioner

may specifically exclude by such appointment; and

(6) To report to the Village Board from time to time actions which have been taken to grant or deny liquor licenses or to penalize licensees.

(C) (1) The Local Liquor Control Commissioner may revoke or suspend any license issued by him or her if he or she determines that the licensee has violated any of the provisions of state law pertaining to the sale of alcohol or of any valid ordinance or resolution enacted by the Village Board, or any applicable rule or regulations established by the Local Liquor Control Commissioner or the State Commission which is not inconsistent with law.

(2) However, no such license shall be so revoked or suspended and no fine shall be imposed, except after a public hearing by the Local Liquor Control Commissioner with at least three days' prior written notice to the licensee, as provided in the state's Liquor Control Act, as now or hereafter amended, affording the licensee an opportunity to appear and defend. If the licensee fails to appear for such public hearing after receiving notice as provided in the state's Liquor Control Act, a default judgment may be entered and the Local Liquor Control Commissioner may revoke or suspend the license and/or impose a fine.

(D) If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Commissioner may, upon the issuance of a written order stating the reason for such conclusion, and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period. Provided, if such licensee shall also be engaged in the conduct of another business on the licensed premises, such order shall not be applicable to such other business.

(E) (1) In determining the appropriate penalty for violating any of the provisions of this chapter or any state law pertaining to the sale of alcohol, the Local Liquor Control Commissioner may consider such matters and information as the Local Liquor Control Commissioner deems are relevant including, but not limited to, the nature and circumstances surrounding the violation, the past record of the licensee, and the penalties previously imposed by the Local Liquor Control Commissioner for similar violation.

(2) The past record shall include the record of the current licensee as well as the record of any other existing or prior licensee where there is or was substantial common identity between the owners of the current licensee and the owners of such other licensee. Where the licensee under consideration, or such other prior or existing licensee, is a business entity such as a corporation or partnership, the ownership interest includes the equity holdings of the stockholder or partner. The consideration of the past record of such other or prior licensee shall only include that time period when such common identity is found.

(F) The Local Liquor Control Commissioner shall, as promptly as practicable and in any event within five days after such hearing, if the Local Liquor Control Commissioner determines after such hearing that the license should be revoked or suspended and/or a fine should be imposed, state the reasons for such determination in a written order of revocation or suspension and/or a fine should be imposed and shall serve a copy of such order upon the licensee.

(Ord. 810, passed 10-19-2011)

§ 111.47 HEARINGS.

For the purpose of administering and enforcing the provisions of this chapter, the Local Liquor Control Commissioner may, in his or her discretion, hold public hearings at any time within the village concerning any matters embraced within this chapter.
(Ord. 810, passed 10-19-2011)

§ 111.48 DUTIES OF VILLAGE CLERK.

The Village Clerk shall receive all license applications and issue all licenses, when directed to do so by the Local Liquor Control Commissioner, and perform such other duties and functions as are assigned by this chapter. The Village Clerk shall also furnish routine stenographic services to the Local Liquor Control Commissioner upon request.
(Ord. 810, passed 10-19-2011)

§ 111.49 PENDING ACTION.

The repeal of the ordinances or parts of ordinances effectuated by the enactment of this chapter shall not be construed as abating any actions now pending under, or by virtue of, such ordinances or as discontinuance, abating, modifying, or altering any penalty accruing or to accrue or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of the passage of this chapter.
(Ord. 810, passed 10-19-2011)

§ 111.99 PENALTY.

(A) Any person or entity violating any provision of this chapter shall, upon conviction, be subject to punishment for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person or entity, other than a licensee, violating any provision of this chapter shall be fined not less than \$100 and not more than \$500 for each offense, except as otherwise stated herein. (Ord. 871, passed 12-7-2016)

(B) In addition to any other penalty, a licensee convicted of violating any provision of this chapter may be subject to having its license revoked, suspended, or not renewed by the Local Liquor Control Commissioner.

(C) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter 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 the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him or her personally.

(D) In addition, or as an alternative to the suspension authorized by § 111.46(C)(1), the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this paragraph may be imposed against any licensee during the period of his or her license. Proceeds from such fines shall be paid into the General Corporate Fund of the village.

(Ord. 810, passed 10-19-2011)

CHAPTER 112: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Village policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors
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- 112.13 Time limit on soliciting
- 112.99 Penalty

Statutory reference:

Authority of village to license, tax, regulate, or prohibit peddlers, itinerant merchants, or transient vendors, see 65 ILCS 5/11-42-5

§ 112.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the village and who, in the furtherance of that business, uses any building, structure, vehicle, or any place within the village.

PEDDLER. Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the village.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a **SOLICITOR** is not a peddler.

§ 112.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in this activity within the village.

(B) The fee for the license required by this chapter shall be as set from time to time by the Board of Trustees.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 112.99

§ 112.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the village;

(b) The local address of the individual;

(c) The permanent address of the individual; and

(d) The capacity in which the individual will act.

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock; and

(c) If goods, where and by whom the goods are manufactured or grown, and where the goods are at the time of application.

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application, if required by the village, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as the representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 112.99

§ 112.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant has committed the following will constitute valid reasons for disapproval of an application:

- (1) Has been convicted of a crime of moral turpitude;
- (2) Has made willful misstatements in the application;
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts.

§ 112.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk after notice and hearing, pursuant to the standards in § 112.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. This notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

§ 112.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 112.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 112.04 or 112.06 shall have the right to appeal to the Board of Trustees. The appeal shall be taken by filing with the Board of Trustees, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The Board of Trustees shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 112.05.

(B) The order of the Board of Trustees after the hearing shall be final.

§ 112.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than 1 place within the village shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during the time that he or she is engaged in the business licensed.
Penalty, see § 112.99

§ 112.09 VILLAGE POLICY ON SOLICITING.

It is hereby declared to be the policy of the village that the occupants of the residences in the village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 112.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

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

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

§ 112.11 DUTY OF SOLICITORS.

(A) It shall be the duty of every solicitor upon going onto any premises in the village upon which a residence is located to first examine the notice provided for in § 112.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

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

Penalty, see § 112.99

§ 112.12 UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 112.10 above.

Penalty, see § 112.99

§ 112.13 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door 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 the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9:00 a.m. or after 9:00 p.m. of any weekday or Saturday, or at any time on a Sunday or on a state or national holiday.

Penalty, see § 112.99

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$750. Each day's violation shall constitute a separate offense.

CHAPTER 113: SMALL WIRELESS FACILITIES

Section

- 113.01 Purpose and Scope
- 113.02 Definitions
- 113.03 Regulation of Small Wireless Facilities
- 113.04 Dispute Resolution
- 113.05 Indemnification
- 113.06 Insurance

§113.01 PURPOSE AND SCOPE.

The purpose of this Ordinance is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

§113.02 DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the following meanings:

(A) *Antenna* – communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(B) *Applicable codes* – uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

(C) *Applicant* – any person who submits an application and is a wireless provider.

(D) *Application* – a request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

(E) *Collocate or collocation* – to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

(F) *Communications service* – cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

(G) *Communications service provider* – a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

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(H) *FCC* – the Federal Communications Commission of the United States.

(I) *Fee* – a one-time charge.

(J) *Historic district or historic landmark* – a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

(K) *Law* – a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

(L) *Micro wireless facility* – a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

(M) *Municipal utility pole* – a utility pole owned or operated by the Village in public rights-of-way.

(N) *Permit* – a written authorization required by the Village to perform an action or initiate, continue, or complete a project.

(O) *Person* – an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

(P) *Public safety agency* – the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

(Q) *Rate* – a recurring charge.

(R) *Right-of-way* – the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

(S) *Small wireless facility* – a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly

to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

(T) *Utility pole* – a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

(U) *Wireless facility* – equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

(V) *Wireless infrastructure provider* – any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

(W) *Wireless provider* – a wireless infrastructure provider or a wireless services provider.

(X) *Wireless services* – any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

(Y) *Wireless services provider* – a person who provides wireless services.

(Z) *Wireless support structure* – a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

§113.03 REGULATION OF SMALL WIRELESS FACILITIES.

(A) **Permitted Use.** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(B) **Permit Required.** An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued

shall be subject to the following conditions and requirements:

- (1) Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
 - a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
 - b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
 - c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
 - d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
 - e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
 - f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
 - g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
- (2) Application Process. The Village shall process applications as follows:
 - a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
 - b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

- c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

- d. The Village shall deny an application which does not meet the requirements of this Ordinance.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application. The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

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The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- e. Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

- (3) Completeness of Application. Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

- (4) Tolling. The time period for applications may be further tolled by:
 - a. An express written agreement by both the applicant and the Village; or
 - b. A local, State or federal disaster declaration or similar emergency that causes the delay.
- (5) Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

- (6) Duration of Permits. The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Ordinance.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

- (7) Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) Collocation Requirements and Conditions.

- (1) Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.
- (2) Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Ordinance. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
- (3) No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

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The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

- (4) The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

- (5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
- (6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.
- (7) Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocation small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

- (8) Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- a. 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
 - b. 45 feet above ground level.
- (9) Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions set forth in the Teutopolis Zoning Ordinance, Chapter 154, §154.165, *et seq.* of the Code of Teutopolis.
- (10) Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- (11) Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
- (12) Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.
- (13) Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation

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does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

(D) Application Fees. Application fees are imposed as follows:

- (1) Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
- (2) Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
- (3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
- (4) The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
- (5)
 - a. routine maintenance;
 - b. the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
 - c. the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
- (6) Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(E) Exceptions to Applicability. Nothing in this Ordinance authorizes a person to collocate small wireless facilities on:

- (1) property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;
- (2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that

are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

- (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

(F) **Pre-Existing Agreements.** Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Ordinance.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Ordinance for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

(G) **Annual Recurring Rate.** A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(H) **Abandonment.** A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

§113.04 DISPUTE RESOLUTION.

The Circuit Court for the Fourth Judicial District, Effingham County, Illinois shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

§113.05 INDEMNIFICATION.

A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

§113.06 INSURANCE.

(A) The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- (i) property insurance for its property's replacement cost against all risks; and
- (ii) workers' compensation insurance, as required by law; or
- (iii) commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

(B) The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

(C) A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

(Ord. 903, passed 6-20-2018)

CHAPTER 114: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

Section

§114.01 Definitions

§114.02 Cannabis Business Establishments Prohibited

§114.03 Public Nuisance Declared

§114.04 Violations

Statutory reference: Illinois Cannabis Regulation and Tax Act, Public Act 101-0027

§114.01 DEFINITIONS. The following words and phrases shall, for the purposes of this Chapter, 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.

§114.02 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Teutopolis, No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Teutopolis of any of the following:

- Adult-Use Cannabis Craft Grower
- Adult-Use Cannabis Cultivation Center
- Adult-Use Cannabis Dispensing Organization
- Adult-Use Cannabis Infuser Organization or Infuser
- Adult-Use Cannabis Processing Organization or Processor
- Adult-Use Cannabis Transporting Organization or Transporter

§114.03 PUBLIC NUISANCE DECLARED. Operation of any prohibited Cannabis Business Establishment within the Village of Teutopolis in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

§114.04 VIOLATIONS. Violations of this Chapter may be enforced in accordance with the provisions of Chapter 10.99 of this Code.

(Ord. 923, passed 8-21-2019)

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. GENERAL PROVISIONS**
- 131. OFFENSES PERTAINING TO PROPERTY**
- 132. OFFENSES AGAINST PUBLIC ORDER**
- 133. OFFENSES AGAINST PUBLIC JUSTICE AND
ADMINISTRATION**
- 134. OFFENSES AGAINST PUBLIC MORALS**
- 135. GAMBLING OFFENSES**
- 136. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY**
- 137. WEAPONS**

CHAPTER 130: GENERAL PROVISIONS

Section

130.01 Definitions
130.02 Intent
130.03 Knowledge
130.04 Recklessness
130.05 Negligence
130.06 Attempt

130.99 Penalty

§ 130.01 DEFINITIONS.

For the purposes of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The taking of action or a failure or omission to take action.
(720 ILCS 5/2-2)

ANOTHER. A person or persons other than the offender.
(720 ILCS 5/2-3)

CONDUCT. An act or a series of acts, and the accompanying mental state.
(720 ILCS 5/2-4)

OFFENSE. A violation of a penal statute of this village or state.
(720 ILCS 5/2-12)

§ 130.02 INTENT.

A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the section defining the offense, when his or her conscious objective or purpose is to accomplish that result or engage in that conduct.
(720 ILCS 5/4-4)

§ 130.03 KNOWLEDGE.

(A) A person knows, or acts knowingly or with knowledge of:

(1) The nature or attendant circumstances of his or her conduct, described by the section defining the offense, when he or she is consciously aware that his or her conduct is of that nature or that those circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.

(2) The result of his or her conduct, described by the section defining the offense, when he or she is consciously aware that that result is practically certain to be caused by his or her conduct.

(B) Conduct performed knowingly or with knowledge is performed willfully, within the meaning of a statute using the term "willfully," unless the section clearly requires another meaning.

(C) When the law provides that acting knowingly suffices to establish an element of an offense, that element also is established if a person acts intentionally.
(720 ILCS 5/4-5)

§ 130.04 RECKLESSNESS.

A person is reckless or acts recklessly, when that person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense, and that disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a section using the term "wantonly," unless the statute clearly requires another meaning.
(720 ILCS 5/4-6)

§ 130.05 NEGLIGENCE.

A person is negligent, or acts negligently, when that person fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the statute defining the offense, and that failure constitutes a substantial deviation from the standard of care that a reasonable person would exercise in the situation.
(720 ILCS 5/4-7)

§ 130.06 ATTEMPT.

(A) *Elements of the offense.* A person commits the offense of attempt when, with intent to commit a specific offense, he or she does any act that constitutes a substantial step toward the commission of that offense.

(B) *Impossibility.* It is not a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(C) *Statutory fine.* A person convicted of attempt may be fined or imprisoned or both, not to exceed the maximum provided for the offense attempted. If the fine exceeds that set forth in § 130.99 below, however, the village shall enforce the offense under the provisions of state law.
(720 ILCS 5/8-4) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$25 nor more than \$750.

(B) In addition to any criminal penalties imposed for a violation of this section, if a person is convicted of or placed on supervision for knowingly damaging or destroying crops of another, including crops intended for personal, commercial, research, or developmental purposes, the person is liable in a civil action to the owner of any crops damaged or destroyed for money damages up to twice the market value of the crops damaged or destroyed.
(720 ILCS 5/21-1)

CHAPTER 131: OFFENSES PERTAINING TO PROPERTY

Section

- 131.01 Damage of firefighting apparatus, hydrants, or equipment
- 131.02 Trespass to land
- 131.03 Damaging village property
- 131.04 Jackrocks

§ 131.01 DAMAGE OF FIREFIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT.

No person shall wilfully and maliciously cut, injure, damage, tamper with, destroy, or deface any fire hydrant, fire hose, fire engine, or other public or private firefighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization.
(720 ILCS 5/21-1.1) Penalty, see § 130.99

§ 131.02 TRESPASS TO LAND.

(A) (1) Except as provided in division (A)(3) below, whoever commits any of the following commits a Class B misdemeanor:

- (a) Knowingly and without lawful authority enters or remains within or on a building;
- (b) Enters upon the land of another, after receiving prior to the entry notice from the owner or occupant that the entry is forbidden;
- (c) Remains upon the land of another, after receiving notice from the owner or occupant to depart; or
- (d) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land. This division (A)(1)(d) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(2) For purposes of this division (A), this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation, nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

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(3) Except as otherwise provided in this division, whoever enters upon any of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered 2-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart, commits a Class A misdemeanor:

- (a) A field that is used for growing crops or that is capable of being used for growing crops;
- (b) An enclosed area containing livestock;
- (c) An orchard; or
- (d) A barn or other agricultural building containing livestock.

(B) A person has received notice from the owner or occupant within the meaning of division (A) of this section if the person has been notified personally, either orally or in writing, including a valid court order as defined by 720 ILCS 5/112A-3(7) granting remedy (2) of 725 ILCS 5/112A-14(b), or if a printed or written notice forbidding entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of the owner's agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on the land at the request of or by occupancy, leasing, or other agreement or arrangement with the owner or the owner's agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him or her at the place that person is so living upon the land.

(D) (1) A person shall be exempt from prosecution under this section if the person beautifies unoccupied and abandoned residential and industrial properties located within any municipality.

(2) For the purpose of this division (D), ***UNOCCUPIED AND ABANDONED RESIDENTIAL AND INDUSTRIAL PROPERTY*** means any real estate:

- (a) In which the taxes have not been paid for a period of at least two years; and
- (b) Which has been left unoccupied and abandoned for a period of at least one year.

(3) For the purpose of this division (D), ***BEAUTIFIES*** means to landscape, to clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(E) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D) of this section.

(F) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this division (F), **EMERGENCY** means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(G) (1) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under division (A)(3) of this section. A person may also be liable to the owner for court costs and reasonable attorney's fees.

(a) The measure of damages shall be:

1. The actual damages, but not less than \$250, if the vehicle is operated in a nature preserve or registered area as defined in 525 ILCS 30/3.11 and 3.14;
2. Twice the actual damages if the owner has previously notified the person to cease trespassing; or
3. In any other case, the actual damages, but not less than \$50.

(b) If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable.

(2) For the purpose of this division (G), the following definitions shall apply unless the context clearly indicates or requires a different meaning:

LAND. Includes but is not limited to land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. **LAND** does not include driveways or private roadways upon which the owner allows the public to drive.

OWNER. The person who has the right to possession of the land, including the owner, operator or tenant.

VEHICLE. Has the same meaning as provided under 625 ILCS 5/1-217.
(720 ILCS 5/21-3) Penalty, see § 130.99

§ 131.03 DAMAGING VILLAGE PROPERTY.

(A) It shall be unlawful to do any of the following:

- (1) Knowingly damage any village property;
- (2) Recklessly, by means of fire or explosion, damage village property;
- (3) Knowingly start a fire on village land; or

(4) Knowingly deposit on village land or in a village building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the village of its land or buildings.

(B) It is an affirmative defense to a violation of division (A)(1), (A)(3) or (A)(4) of this section that the village consented to the damage.

(C) For the purposes of this section, **PROPERTY** means anything of value including but not limited to real estate, money, commercial instruments, written instruments representing or embodying rights concerning anything of value, labor, or services, things affixed to or found on land or part of or affixed to any building, electricity, gas, or water.

(720 ILCS 5/21-1) Penalty, see § 130.99

Statutory reference:

Additional prohibitions; felonies, see 720 ILCS 5/21-1

§ 131.04 JACKROCKS.

(A) A person who knowingly sells, gives away, manufactures, purchases, or possesses a jackrock or who knowingly places, tosses, or throws a jackrock on public or private property commits a Class A misdemeanor.

(B) As used in this section, **JACKROCK** means a caltrop or other object manufactured with one or more rounded or sharpened points, which when placed or thrown present at least one point at such an angle that it is peculiar to and designed for use in puncturing or damaging vehicle tires. It does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction, if a conspicuous and clearly visible warning is posted at the device's location, alerting persons to its presence.

(C) This section does not apply to the possession, transfer, or use of jackrocks by any law enforcement officer in the course of his or her official duties.

(720 ILCS 5/21-1.4) Penalty, see § 130.99

CHAPTER 132: OFFENSES AGAINST PUBLIC ORDER

Section

- 132.01 Disorderly conduct
- 132.02 Curfew
- 132.03 Loitering
- 132.04 Distribution to minors

§ 132.01 DISORDERLY CONDUCT.

(A) A person commits disorderly conduct when he or she knowingly:

- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- (2) 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;
- (3) While acting as a collection agency as defined in the Collection Agency Act, 225 ILCS 425, 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;
- (4) Transmits or causes to be transmitted a false report to the Department of Public Health under 210 ILCS 45/1-101 *et seq.* or the MR/DD Community Care Act, 210 ILCS 47/1-101 *et seq.*;
- (5) Transmits or causes to be transmitted a false report under Article II of “An Act in relation to victims of violence and abuse,” approved September 16, 1984, as amended;
- (6) 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;
- (7) 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; or

(8) 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.

(B) In addition to any penalty imposed as set forth in § 130.99, any person convicted of disorderly conduct shall be ordered by the court to perform community service, as set forth under the provisions of 720 ILCS 5/26-1.

(720 ILCS 5/26-1) Penalty, see § 130.99

§ 132.02 CURFEW.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

- (a) Between 12:01 a.m. and 6:00 a.m. Saturday;
- (b) Between 12:01 a.m. and 6:00 a.m. on Sunday; and
- (c) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

EMERGENCY. 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.

ESTABLISHMENT. 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.

GUARDIAN.

- (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.

MINOR. Any person under 17 years of age.

PARENT. A person who is:

- (a) A natural parent, adoptive parent, or step-parent of another person; or
- (b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. 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.

REMAIN.

(a) To linger or stay; or

(b) To 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.

SERIOUS BODILY INJURY. 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 or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(C) *Defenses.* It is a defense to prosecution under division (B) above that the minor was:

(1) Accompanied by the minor's parent, guardian or other person in custody or control of the minor;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity or 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 or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic 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 a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(8) 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

(9) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(D) *Enforcement.* Before taking any enforcement action under this section, a law enforcement 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 division (C) is present.

(E) *Penalty.* A person convicted of a violation of any provision of this section shall be guilty of a petty offense and shall be fined not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under 705 ILCS 405/1-1 *et seq.*, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this section, the court may order a parent, legal guardian, or other person convicted of a violation of division (B) of this section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under 705 ILCS 405/1-1 *et seq.* may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of division (B) of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(720 ILCS 555/1)

Statutory reference:

Authority to impose curfew, see 65 ILCS 5/11-1-5

§ 132.03 LOITERING.

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a "no

loitering” sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, ***PUBLIC PLACE*** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

§ 132.04 DISTRIBUTION TO MINORS.

Any person who shall either sell, give, or allow his or her clerk, agent, or other representative or person to sell or give to any minor under 21 years of age any intoxicating beverage, liquor, beer, or any other stimulant of the like nature, or shall give or sell to any such minor any cigar, cigarette, or other tobacco, either in the sack, package, or bulk, shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$200 for each offense, and such minor shall then be compelled to give evidence of such facts before the proper court for the apprehension and punishment of such offender.

(Ord. 3, passed 12-2-1899)

CHAPTER 133: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

Section

- 133.01 Resisting or obstructing a peace officer, firefighter, or correctional institution employee
- 133.02 Refusing to aid an officer
- 133.03 Tampering with public notice

§ 133.01 RESISTING OR OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, OR CORRECTIONAL INSTITUTION EMPLOYEE.

(A) (1) No person shall knowingly resist or obstruct the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity.

(2) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(3) A person convicted for a violation of this section whose violation was the proximate cause of injury to a peace officer, firefighter, or correctional institution employee is guilty of a Class 4 felony.

(B) (1) For purposes of this section, the term **CORRECTIONAL INSTITUTION EMPLOYEE** shall mean any person employed to supervise and control inmates incarcerated in a penitentiary, state farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons.

(2) **FIREFIGHTER** means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs firefighting duties, including but not limited to the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. **FIREFIGHTER** also means a person employed by the office of the State Fire Marshal to conduct arson investigations.

(C) It is an affirmative defense to a violation of § 133.01 if a person resists or obstructs the

performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.

(720 ILCS 5/31-1) Penalty, see § 130.99

§ 133.02 REFUSING TO AID AN OFFICER.

No person, upon command, shall refuse or knowingly fail reasonably to aid a person known by him or her to be a police officer in:

(A) Apprehending a person whom the officer is authorized to apprehend; or

(B) Preventing the commission by another of any offense.

(720 ILCS 5/31-8) Penalty, see § 130.99

§ 133.03 TAMPERING WITH PUBLIC NOTICE.

No person shall 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.

(720 ILCS 5/32-9) Penalty, see § 130.99

CHAPTER 134: OFFENSES AGAINST PUBLIC MORALS

Section

- 134.01 Public indecency
- 134.02 Obscenity
- 134.03 Harmful material

§ 134.01 PUBLIC INDECENCY.

(A) Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

- (1) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12; or
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

(B) Breast-feeding of infants is not an act of public indecency.

(C) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Any place where the conduct may reasonably be expected to be viewed by others.

(720 ILCS 5/11-9) Penalty, see § 130.99

Statutory reference:

Public indecency by person 18 year of age or older, or within 500 feet of elementary or secondary school grounds when children are present, Class 4 felony, see 720 ILCS 5/11-9

§ 134.02 OBSCENITY.

(A) *Elements of the offense.* A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he or she:

- (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;

(2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;

(3) Publishes, exhibits, or otherwise makes available anything obscene;

(4) Performs an obscene act or otherwise presents an obscene exhibition of his or her body for gain;

(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 or her to be obscene, whether or not it is obscene.

(B) *Obscene defined.* Any material or performance is **OBSCENE** if:

(1) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;

(2) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions, or lewd exhibition of the genitals; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(C) *Interpretation of evidence.*

(1) 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.

(2) Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, the evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political, or scientific value.

(3) In any prosecution for an offense under this section, evidence shall be admissible to show:

(a) The character of the audience for which the material was designed or to which it was directed;

(b) 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 those people;

(c) The artistic, literary, scientific, educational, or other merits of the material, or absence

thereof;

(d) The degree, if any, of public acceptance of the material in this state;

(e) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;

(f) Purpose of the author, creator, publisher, or disseminator.

(D) *Prima facie evidence.* The creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three copies of obscene material shall be prima facie evidence of an intent to disseminate.

(E) *Affirmative defenses.* It shall be an affirmative defense to obscenity that the dissemination:

(1) Was not for gain and was made to personal associates other than children under 18 years of age;

(2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(F) *Forfeiture of property.* A person who has been convicted previously of the offense of obscenity and who is convicted of a second or subsequent offense of obscenity is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963, being 725 ILCS 5 Title VII Art. 124B.

(720 ILCS 5/11-20) Penalty, see § 130.99

§ 134.03 HARMFUL MATERIAL.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISTRIBUTE. Transfer possession of, whether with or without consideration.

HARMFUL TO MINORS. That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when, taken as a whole, it does the following:

(a) Predominately appeals to the prurient interest in sex of minors;

(b) Is patently offensive to prevailing standards in the adult community in the state as a whole with respect to what is suitable material for minors; and

(c) Lacks serious literary, artistic, political, or scientific value for minors.

KNOWINGLY. Having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.

MATERIAL.

(a) Any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically; or

(b) Any book, magazine, printed matter however reproduced, or recorded audio of any sort.

MINOR. Any person under the age of 18.

NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

SEXUAL CONDUCT. Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if the person be a female, breast.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(B) A person is guilty of distributing harmful material to a minor when he or she does either of the following:

(1) Knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor any of the following, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(a) Any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors;

(b) A motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or

(c) An admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation.

(2) Admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(C) In any prosecution arising under this section, it is an affirmative defense:

(1) That the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) That the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) That the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of the organization;

(4) That the act charged was committed in aid of legitimate scientific or educational purposes;
or

(5) That an advertisement of harmful material as defined in this section culminated in the sale or distribution of the harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his or her employees, or agents, as where the order or request for the harmful material was transmitted by mail, telephone, internet, or similar means of communication, and delivery of the harmful material to the child was by mail, freight, internet, or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the state."

(D) 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 the material was sold, lent, distributed, or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution 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.

(E) Distribution of harmful material in violation of this section is a Class A misdemeanor.

(F) Any person under the age of 18 who falsely states, either orally or in writing, that he or she is not under the age of 18, or that presents or offers to any person any evidence of age and identity that is false or not actually his or her own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(G) A person over the age of 18 who fails to exercise reasonable care in ascertaining the true age of

a minor, knowingly distributes to, or sends, or causes to be sent, or exhibits to, or offers to distribute, or exhibits any harmful material to a person that he or she believes is a minor is guilty of a Class A misdemeanor.

(H) Telecommunications carriers, commercial mobile service providers, and providers of information services, including but not limited to internet service providers and hosting service providers, are not liable under this section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this section.

(720 ILCS 5/11-21) Penalty, see § 130.99

Statutory reference:

Distribution of harmful material, second or subsequent offense, a Class 4 felony, see 720 ILCS 5/11-21

Use of a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, a Class 4 felony, see 720 ILCS 5/11-21

CHAPTER 135: GAMBLING OFFENSES

Section

- 135.01 Definitions
- 135.02 Gambling
- 135.03 Keeping a gambling place
- 135.04 Seizure of gambling devices and gambling funds

§ 135.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. Has the meaning ascribed to it in 720 ILCS 5/6D-2.

COMPUTER. Has the meaning ascribed to it in 720 ILCS 5/16D-2.

GAMBLING DEVICE. 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. A **GAMBLING DEVICE** does not include the following, as more specifically defined in 720 ILCS 5/28-2(a)(1) through (a)(4):

- (1) Coin-in-the-slot operated mechanical devices;
- (2) Vending machines;
- (3) Crane games; and
- (4) Redemption machines.

INTERNET. An interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including but not limited to an information service, system, or access software provider that provides access to a network system commonly known as the internet or any comparable system or service, and also including but not limited to a world-wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

LOTTERY. Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

POLICY GAME. Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, or evidence of debt.
(720 ILCS 5/28-2)

§ 135.02 GAMBLING.

(A) A person commits gambling when, within the corporate limits of the village, he or she:

(1) Plays a game of chance or skill for money or other thing of value, unless excepted in division (B) of this section;

(2) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;

(3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;

(4) Contracts to have or give himself or herself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, as described in 720 ILCS 5/28-1(a)(4);

(5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been or are recorded or registered, or knowingly possesses any money which he or she has received in the courses of a bet or wager;

(6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;

(7) Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;

(8) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;

(9) Knowingly drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;

(10) Knowingly advertises any lottery or policy game, except for activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state;

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of the information; except that nothing in this division prohibits transmission or receipt of the information for use in news reporting of sporting events or contests; or

(12) Knowingly establishes, maintains, or operates an internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the internet. This division (A)(12) does not apply to activities referenced in division (B)(6) of this section.

(B) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance, including without limitation contracts of indemnity or guaranty and life, health, or accident insurance;

(2) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in the contest;

(3) Pari-mutuel betting as authorized by the law of this state;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when the transportation is not prohibited by any applicable federal law, or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act (230 ILCS 40/1 *et seq.*), by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act;

(5) The game commonly known as "bingo," when conducted in accordance with 230 ILCS 25/1 *et seq.*;

(6) (a) Lotteries when conducted by the state in accordance with 20 ILCS 1605/*et seq.* This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules.

(b) The purchase of lottery tickets through the internet for a lottery conducted by the state under the program established in 20 ILCS 1605/7.12.

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(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an **ANTIQUE SLOT MACHINE** is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with 230 ILCS 15/1 *et seq.*;

(9) Charitable games when conducted in accordance with 230 ILCS 30/1 *et seq.*; and

(10) Pull tabs and jar games when conducted under 230 ILCS 20/*et seq.*;

(11) Gambling games conducted on riverboats when authorized under 230 ILCS 10/1 *et seq.*;

(12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with 230 ILCS 40/1 *et seq.*; and

(13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate.

(C) *Circumstantial evidence.* In prosecutions under division (A) of this section, circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(720 ILCS 5/28-1) Penalty, see § 130.99

Statutory reference:

Second and subsequent offenses of § 135.02(A)(3) through (A)(11), felonies, see 720 ILCS 5/28-1

§ 135.03 KEEPING A GAMBLING PLACE.

(A) For purposes of this section, a **GAMBLING PLACE** is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the Riverboat Gambling Act (230 ILCS 10/1 *et seq.*) or the Video Gaming Act (230 ILCS 40/1 *et seq.*). No person shall knowingly permit any premises or property owned or occupied by him or her or under his or her control to be used as a gambling place.

(B) When any premises is determined by the circuit court to be a gambling place:

(1) The premises is hereby declared to be a public nuisance and may be proceeded against as such; and

(2) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter.

(720 ILCS 5/28-3) Penalty, see § 130.99

§ 135.04 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by village authorities. As used in this section, a ***GAMBLING DEVICE*** includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.
(720 ILCS 5/28-5(a))

(B) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs.
(720 ILCS 5/28-5(b))

CHAPTER 136: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

Litter

- 136.01 Definitions
- 136.02 Dumping or depositing of litter prohibited; exemptions
- 136.03 Dumping or depositing litter from motor vehicle prohibited
- 136.04 Accumulation of litter prohibited
- 136.05 Presumption of violation by operator throwing litter from motor vehicle
- 136.06 Receptacles required in public areas
- 136.07 Power of court to order removal of litter

LITTER

§ 136.01 DEFINITIONS.

For the purposes of §§ 136.01 through 136.07 the following words and phrases shall have the following meanings ascribed to them respectively.

LITTER.

(1) Any discarded, used, or unconsumed substance or waste.

(2) ***LITTER*** may include but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, abandoned vehicle as defined in 625 ILCS 5/1-100 *et seq.*, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard; potentially infectious medical waste as defined in 415 ILCS 5/3.360; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.

(415 ILCS 105/3)

MOTOR VEHICLE. As defined in Chapter 70 of this Code of Ordinances.

§ 136.02 DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS.

(A) No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this village, or upon or into any river, lake, pond, or other stream or body of water in this village unless:

(1) The property has been designated by the village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the State Pollution Control Board;

(2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(4) The person is acting under the direction of proper public officials during special cleanup days; and/or

(5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter, including but not limited to potentially infectious medical waste as defined in 415 ILCS 5/3.360, when the emergency situation no longer exists.

(415 ILCS 105/4)

(B) (1) Any person convicted of a violation of this section shall be fined not less than \$10 nor more than \$500.

(2) In addition to any fine imposed under this Act, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.

(3) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, at the site where the offense occurred, as provided in 605 120/50.

(415 ILCS 105/8(a), (b), (d))

§ 136.03 DUMPING OR DEPOSITING LITTER FROM MOTOR VEHICLE PROHIBITED.

(A) No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in this village except as permitted under § 136.02 (A)(1) through (5). Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.
(415 ILCS 105/5)

(B) (1) Any person convicted of a violation of this section shall be fined not less than \$10 nor more than \$500.

(2) In addition to any fine imposed under this Act, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.

(3) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, at the site where the offense occurred, as provided in 605 ILCS 120/50.
(415 ILCS 105/8(a), (b), (d))

§ 136.04 ACCUMULATION OF LITTER PROHIBITED.

(A) No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.
(415 ILCS 105/6)

(B) (1) Any person convicted of a violation of this section shall be fined not less than \$10 nor more than \$500.

(2) In addition to any fine imposed under this Act, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.
(415 ILCS 105/8(a), (b))

§ 136.05 PRESUMPTION OF VIOLATION BY OPERATOR THROWING LITTER FROM MOTOR VEHICLE.

Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated § 136.03, but that presumption may be rebutted.

(415 ILCS 105/9)

§ 136.06 RECEPTACLES REQUIRED IN PUBLIC AREAS.

(A) In order to assist the public in complying with this chapter, the owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

(B) For purposes of this section, ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** includes but is not limited to commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls; and ***PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR AS A PUBLIC WAY*** includes but is not limited to any property that is publicly owned or operated for any of the purposes stated in the definition in this division for ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** but excludes state highway rights-of-way and rest areas located thereon.

(C) If no litter receptacles are placed on property described in this section, the owner or person in control of the property shall be fined \$100 for violating this section. If the owner or person in control of the property has placed litter receptacles on his or her property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his or her property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within ten days after being made aware of that fact by written notice from the police, he or she shall be fined \$25 for each receptacle not so provided and maintained.

(415 ILCS 105/10)

§ 136.07 POWER OF COURT TO ORDER REMOVAL OF LITTER.

The penalties prescribed in this chapter are in addition to, and not in lieu of any penalties, rights, remedies, duties, or liabilities which may be otherwise imposed or conferred by a court.

(415 ILCS 105/8(c))

CHAPTER 137: WEAPONS

Section

Deadly Weapons

- 137.01 Unlawful use of weapons
- 137.02 Exemptions
- 137.03 Unlawful possession of firearms and firearm ammunition
- 137.04 Confiscation and disposition of weapons

Air Rifles

- 137.15 Definitions
- 137.16 Selling, renting, or transferring to children; prohibition
- 137.17 Carrying or discharging on public streets
- 137.18 Permitted possession
- 137.19 Permitted sales
- 137.20 Seizure and removal

Statutory reference:

Firearms and ammunition registration, see 430 ILCS 65/0.01 through 16-3

DEADLY WEAPONS

§ 137.01 UNLAWFUL USE OF WEAPONS.

(A) No person shall knowingly:

(1) Sell, manufacture, purchase, possess, or carry any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of composition, throwing star, or any knife, commonly referred to as a switch-blade knife, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife; or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas, but which shall not be deemed to include crossbows, common or compound bows and/or underwater spearguns in accordance with 720 ILCS 5/24-1(e);
(720 ILCS 5/24-1(a)(1))

(2) Carry or possess with intent to use the same unlawfully against another: a dagger, dirk,

billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character;

(720 ILCS 5/24-1(a)(2))

(3) Carry on or about his or her person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;

(720 ILCS 5/24-1(a)(3))

(4) Carry or possess in any vehicle or concealed on or about his or her person, except when on his or her land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, taser, or other firearm, except that this division (A)(4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a nonfunctioning state;

(b) Are not immediately accessible; or

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid firearm owner's identification card.

(720 ILCS 5/24-1(a)(4))

(5) Set a spring gun;

(720 ILCS 5/24-1(a)(5))

(6) (a) Carry or possess any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted.

(b) This division does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses.

(720 ILCS 5/24-1(a)(8))

(7) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her land or in his or her own abode, legal dwelling, or fixed place of business, or on the land of in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this division (A)(7) does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a nonfunctioning state;

(b) Are not immediately accessible; or

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid firearm owner's identification card.

(720 ILCS 5/24-1(a)(10))

(8) Sell, manufacture, or purchase any explosive bullet. **EXPLOSIVE BULLET** shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap; or

(720 ILCS 5/24-1(a)(11))

(9) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this section, **BILLY CLUB** means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material.

(720 ILCS 5/24-1(a)(13))

(B) A **STUN GUN** or **TASER**, as used in division (A), means:

(1) Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him or her incapable of normal functioning; or

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him or her incapable of normal functioning.

(720 ILCS 5/24-1(a)(10))

Penalty, see § 130.99

Statutory reference:

Provisions concerning silencers on guns; machine guns; bombs; possession of weapon while hooded, robed and/or masked; or possession of weapons on school or university grounds (all of which are felonies), see 720 ILCS 5/24-1(a)(6), (7), (8), and (9) and 24-1(c), respectively

§ 137.02 EXEMPTIONS.

(A) Section 137.01, divisions (A)(3), (A)(4), (A)(7) and (A)(9) do not apply to or affect any of the following:

(1) Peace officers or any person summoned by a peace officer to assist in making arrests or

preserving the peace while actually engaged in assisting the officer;

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment;

(3) Members of the armed services or reserve forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty;

(4) Special agents employed by a railroad or a public utility to perform police functions and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment;

(5) Persons licensed as private security contractors, private detectives or private alarm contractors or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, 225 ILCS 447/5-5 *et seq.*, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that the commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this division shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by 225 ILCS 447/5-5 *et seq.*, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. This documentation shall be carried at all times when the persons are in possession of a concealable weapon;

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to that commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five persons registered with the Department of Professional Regulation; provided, that the security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which shall include theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of 225 ILCS 447/5-5 *et seq.* This firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon;

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in § 137.01(A)(3) and (A)(4) while on duty in the course of any investigation for the Commission;

(8) Persons employed by a financial institution for the protection of other employees and property related to that financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by the financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this section shall be the same as for those issued under the provisions of 225 ILCS 447/5-5 *et seq.* This firearm control card shall be carried by the person so trained at all times when the person is in possession of a concealable weapon. For purposes of this division, **FINANCIAL INSTITUTION** means a bank, savings and loan association, credit union, or company providing armored car services;

(9) Any person employed by an armored car company to drive an armored car while actually engaged in the performance of his or her duties;

(10) Persons who have been classified as peace officers pursuant to 20 ILCS 2910/0.01 *et seq.*;

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to 725 ILCS 210/1 *et seq.*;

(12) Special investigators appointed by a State's Attorney under 55 ILCS 5/3-9005;

(13) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the Chief Judge of the circuit for which they are employed;

(14) Court security officers while in the performance of their official duties or while commuting between their homes and places of employment, with the consent of the Sheriff;

(15) A person employed as an armed security guard at a nuclear energy, storage, weapons, or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission; or

(16) Manufacture, transportation, or sale of weapons to persons authorized under (A)(1) through (A)(15) of this section to possess those weapons.
(720 ILCS 5/24-2(a))

(B) Section 137.01(A)(1) does not apply to the purchase, possession, or carrying of a black-jack or slung-shot by a police officer.
(720 ILCS 5/24-2(d))

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(C) Section 137.01(A)(6) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer.
(720 ILCS 5/24-2(e))

(D) Section 137.01, divisions (A)(4) and (A)(7) do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges;
(720 ILCS 5/24-2(f))

(2) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges;

(3) Duly authorized military or civil organizations while parading, with the special permission of the Governor;

(4) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing;

(5) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible;

(6) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission; and
(720 ILCS 5/24-2(b))

(7) Any parole agent or parole supervisor who meets the qualifications and conditions prescribed in § 3-14-1.5 of the Unified Code of Corrections.
(720 ILCS 5/24-2(g-1))

(E) Section 137.01(A)(8) does not apply to:

(1) Members of the armed services or reserve forces of the United States or the Illinois National Guard, while in the performance of their official duty;

(2) Bona fide collectors of antique or surplus military ordnance;

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance; or

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (E)(1) above, or like organizations and persons outside this state, or

the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(720 ILCS 5/24-2(g))

(F) An information or indictment based upon a violation of any provision of this subchapter need not negate any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(720 ILCS 5/24-2(h))

(G) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by 720 ILCS 5/24-1(a)(7), which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by the possessor of a valid firearm owner's identification card.

(720 ILCS 5/24-2(i))

§ 137.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He or she is under 18 years of age and has in his or her possession any firearm of a size which may be concealed upon the person;

(2) He or she is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his or her possession;

(3) He or she is a narcotic addict and has any firearms or firearm ammunition in his or her possession;

(4) He or she has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his or her possession;

(5) He or she is mentally retarded and has any firearms or firearm ammunition in his or her possession; or

(6) He or she has in his or her possession any explosive bullet. For the purposes of this section, **EXPLOSIVE BULLET** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 130.99. Unlawful possession of handguns is a felony punishable under appropriate state law. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation.

(C) Nothing in division (A)(1) above prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as but not limited to practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with 520 ILCS 5 or 515 ILCS 5.

(720 ILCS 5/24-3.1) Penalty, see § 130.99

§ 137.04 CONFISCATION AND DISPOSITION OF WEAPONS.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law.

(720 ILCS 5/24-6)

AIR RIFLES

§ 137.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR RIFLE. Any air gun, air pistol, spring gun, spring pistol, B.B. gun, pellet gun, or any implement that is not a firearm, which impels a pellet constructed of hard plastic, steel, lead, or other hard materials with a force that reasonably is expected to cause bodily harm.

DEALER. Any person, copartnership, association, or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of ***AIR RIFLE***.

(720 ILCS 535/1)

§ 137.16 SELLING, RENTING, OR TRANSFERRING TO CHILDREN; PROHIBITION.

(A) It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where the dealer has failed to make reasonable inquiry relative to the age of the person and the person is under 13 years of age.

(B) It is unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between the person and the person under 13 years of age, or where the person

stands in loco parentis to the person under 13 years of age.
(720 Ch. 535/2) Penalty, see § 130.99

§ 137.17 CARRYING OR DISCHARGING ON PUBLIC STREETS.

(A) It is unlawful for any person under 13 years of age to carry any air rifle on the public streets, roads, highways, or public lands within this village, unless the person under 13 years of age carries the rifle unloaded.

(B) It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway, or public land or any public place except on a safely constructed target range.
(720 Ch. 535/3)

(C) Any person violating any provision of this section commits a petty offense.
(720 Ch. 535/7)
Penalty, see § 130.99

§ 137.18 PERMITTED POSSESSION.

Notwithstanding any provision of this chapter, it is lawful for any person under 13 years of age to have in his or her possession any air rifle if it is:

(A) Kept within his or her house of residence or other private enclosure;

(B) Used by the person under 13 years of age and he or she is a duly enrolled member of any club, team, or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only if the air rifle is actually being used in connection with the activities of the club, team, or society under the supervision of a responsible adult; or

(C) Used in or on any private grounds or residence under circumstances when the air rifle is fired, discharged, or operated in a manner as not to endanger persons or property and then only if it is used in a manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.
(720 Ch. 535/4)

§ 137.19 PERMITTED SALES.

The provisions of §§ 137.15 through 137.19 do not prohibit sales of air rifles:

(A) By wholesale dealers or jobbers;

(B) To be shipped out of the state; or

(C) To be used at a target range operated in accordance with 720 Ch. 535/4 or by members of the armed services of the United States or veterans' organizations.
(720 Ch. 535/5)

§ 137.20 SEIZURE AND REMOVAL.

Any police officer shall seize, take, remove, or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this chapter.
(720 Ch. 535/6)

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. FLOOD DAMAGE PREVENTION**
- 152. MOBILE HOMES AND TRAILER COACHES**
- 153. SUBDIVISIONS**
- 154. ZONING**

CHAPTER 150: GENERAL PROVISIONS

Section

Adoption by reference

- 150.01 National Electrical Code Standard
- 150.02 Small municipality ordinances

Addresses

- 150.15 Numbering system
- 150.16 Owner responsibility
- 150.17 Chart

ADOPTION BY REFERENCE

§ 150.01 NATIONAL ELECTRICAL CODE STANDARD.

The National Electrical Code Standard of the National Board of Fire Prevention for Electric Wiring and [illegible], 2014 version, as recommended by the National Fire Prevention Association, be and hereby is adopted by said Village Board by reference.
(Ord. 334, passed 7-7-1943)

§ 150.02 SMALL MUNICIPALITY ORDINANCES.

The Code of Suggested Ordinances for Small Municipalities, as recommended by the National Board of [illegible], be and hereby is adopted by said Village Board by reference.
(Ord. 335, passed 7-13-1945)

*ADDRESSES***§ 150.15 NUMBERING SYSTEM.**

All lots, buildings, and structures in the village shall be numbered in accordance with the following plan.

(A) The base line for streets running north and south shall be Main Street, and numbers lying north or south thereof shall be designated north or south, as the case may be; the base line for streets running east and west shall be Pearl Street, and numbers lying east or west of this line shall be designated east or west, as the case may be.

(B) Numbering shall begin with the base lines with the number 100, and one unit shall be allowed for each 25 feet frontage in the business district and 50 feet frontage in residential districts. Provided that the numbers of each block shall begin with 100 or a multiple thereof, and provided further, in the absence of definable blocks in any area, a lineal measurement of 450 feet east and west from Pearl Street and 533 feet north and south from Main Street shall be deemed to be a block for the purposes of this subchapter.

(C) Odd numbers shall be on the south and west sides of the streets.
(Ord. 404, passed 4-5-1961)

§ 150.16 OWNER RESPONSIBILITY.

(A) It shall be the duty of the owner of each building in the city to have placed thereon in a place visible from the street, figures at least three inches high showing the number of the building, said figures to be furnished by the owner and of a type approved by the Village Board.

(B) It shall further be the duty of the owner to report the building number to the Village Clerk within 90 days of the effective date of this section.
(Ord. 404, passed 4-5-1961)

§ 150.17 CHART.

The Village Clerk shall keep a chart showing the proper street number of every lot in the city, which chart shall be open to inspection by anyone interested.
(Ord. 404, passed 4-5-1961)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 151.01 Purpose
- 151.02 Definitions
- 151.03 Duties of the Building Official
- 151.04 Base flood elevation
- 151.05 Variances
- 151.06 Liability
- 151.07 Abrogation and greater restrictions

Protective Measures

- 151.20 Development permit
- 151.21 Preventing increased damages
- 151.22 Protecting buildings
- 151.23 Other development requirements

GENERAL PROVISIONS

§ 151.01 PURPOSE.

This chapter is enacted pursuant to authority of 65 ILCS 5/1-2-1, 11-12-12, 11-30-2, 11-30-8 and 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 protect human life and health from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating flood

blighted areas; and

(F) To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program.

(Ord. 581, passed 9-19-1990)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD. The flood having a 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 § 151.04.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

DEVELOPMENT.

(1) Any human-made change to real estate, including:

(a) Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;

(b) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days;

(c) Installing utilities, construction of roads, or similar projects;

(d) Construction or erection of levees, walls, fences, bridges, or culverts;

(e) Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

(f) Storage of materials; or

(g) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include maintenance of existing buildings and facilities such as re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

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

FLOODWAY. The portion of a riverine SFHA required to store and convey the base flood. The **FLOODWAY** for SFHAs in the village shall be according to the best data available to the state's Water Survey Floodplain Information Repository.

FPE or FLOOD PROTECTION ELEVATION. The elevation of the base flood plus one foot at any given location in the SFHA.

RIVERINE SFHA. Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

SFHA or SPECIAL FLOOD HAZARD AREA. Those lands within the jurisdiction of the village that are subject to inundation by the base flood. The **SFHAs** of the village are generally identified as such on the Flood Insurance Rate Map of the village prepared by the Federal Emergency Management Agency and dated August 19, 1985. The **SFHAs** of those parts of unincorporated Effingham County that are within the extraterritorial jurisdiction of the village, or that may be annexed into the village, are generally identified as such on the Flood Hazard Boundary Map prepared for the county by the Federal Emergency Management Agency and dated December 23, 1977.
(Ord. 581, passed 9-19-1990)

§ 151.03 DUTIES OF THE BUILDING OFFICIAL.

The Building Official shall be responsible for the general administration and enforcement of this chapter, including but not limited to the following duties:

(A) Ensure that all development activities within the SFHAs of the jurisdiction of the village meet the requirements of this chapter;

(B) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(C) Ensure that construction authorization has been granted by the State's Department of Transportation, Division of Water Resources for all development projects subject to § 151.21, and maintain a record of such authorization;

(D) Maintain a record of the as built elevation of the lowest floor (including basement) of all buildings subject to § 151.22;

(E) Maintain a record of the engineer's certificate and the as built flood-proofed elevation of all buildings subject to § 151.22;

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(F) Inspect all development projects to ensure they comply with the provisions of this chapter;

(G) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program; and

(H) Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents, and as built elevation and flood-proofing data for all buildings constructed subject to this chapter.

(Ord. 581, passed 9-19-1990)

§ 151.04 BASE FLOOD ELEVATION.

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the state's Water Survey and FEMA for approval. The base flood elevation for each of the SFHAs delineated as an A Zone on the Flood Insurance Rate Map of the village shall be according to the best data available to the state's Water Survey Floodplain Information Repository. When no base flood elevation exists, the base flood elevation shall be the 100-year flood depth calculated according to the formulas presented in *Depth & Frequency of Floods in Illinois*, published by the U.S. Geological Survey 1976. For parts of unincorporated Effingham County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village, the base flood elevation shall be according to the best data available to the state's Water Survey Floodplain Information Repository.

(Ord. 581, passed 9-19-1990)

§ 151.05 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Board of Appeals for a variance. The Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) No variance shall be granted unless the applicant demonstrates that:

- (1) The development activity cannot be located outside the SFHA;
- (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; and

(6) The provisions of § 151.20 are met.

(C) The Building Official shall notify an applicant in writing that a variance from the requirements of § 151.22 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to amounts that may be as high as \$25 for \$100 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.

(D) Variances to the building protection requirements of § 151.22 requested in connection with the reconstruction, repair, or alteration of a site or building included on the National Register of Historic Places or the state's Register of Historic Places may be granted using criteria more permissive than the requirements of divisions (B)(1) through (B)(5) above.

(Ord. 581, passed 9-19-1990)

§ 151.06 LIABILITY.

The degree of flood protection required by this chapter 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 human-made or natural causes. This chapter does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 581, passed 9-19-1990)

§ 151.07 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the Board of Trustees to fulfill the requirements of the National Flood Insurance Program, if any. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 581, passed 9-19-1990)

PROTECTIVE MEASURES**§ 151.20 DEVELOPMENT PERMIT.**

(A) No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in the SFHA without first obtaining a development permit from the Building Official. The Building Official shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(B) The application for a development permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions, existing grade elevations, and all changes in grade resulting from excavation or filling, the location and dimensions of all buildings and additions to buildings, and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 151.22.

(C) Upon receipt of an application for a development permit, the Building Official shall compare the elevation of the site to the base flood elevation. Any development located on natural ground higher than the base flood elevation is not in the SFHA and therefore not subject to the requirements of this chapter. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that the ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(D) The Building Official shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity. The Building Official shall not issue the development permit unless all required federal and state permits have been obtained.
(Ord. 581, passed 9-19-1990) Penalty, see § 10.99

§ 151.21 PREVENTING INCREASED DAMAGES.

(A) No development in the SFHA shall create a damaging, or potentially damaging, increase in flood heights or velocity or threat to public health and safety.

(B) Within all riverine SFHAs, the following standards shall apply:

(1) In addition to the other requirements of this chapter, a development permit for a site located in a floodway or in a riverine SFHA where no floodway has been identified shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the state's Department of Transportation, Division of Water Resources, issued pursuant to 615 ILCS 5/5 et seq;

(2) The following activities may be constructed in a floodway or in a riverine SFHA where no floodway has been identified without the individual permit required in division (A) above in accordance with statewide permit no. 6, issued by the state's Department of Transportation, Division of Water Resources, May 13, 1983. Such activities must still meet the other requirements of this chapter:

- (a) The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;
 - (b) The construction of light poles, sign posts, and similar structures;
 - (c) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar surfaces which are built at grade;
 - (d) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports;
 - (e) The placement of properly anchored buildings not exceeding 70 square feet in size, nor ten feet in any dimension (e.g., animal shelters and tool sheds); and
 - (f) The construction of additions to existing buildings which do not increase the first floor area by more than 20%, which are located on the upstream or downstream side of the existing building and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters.
 - (g) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;
- (3) No development in the SFHA shall include locating or storing chemicals, explosives, bouyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a storage tank or flood-proofed building constructed according to the requirements of § 151.22;
- (4) 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 FPE are water-tight; and
- (5) No manufactured home may be placed on a new site in a floodway.
(Ord. 581, passed 9-19-1990) Penalty, see § 10.99

§ 151.22 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 151.21, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than \$1,000;
- (2) Structural alterations made to an existing building that increase the floor area by more than 20%, or the market value of the building by more than 50%;

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(3) Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building before the damage occurred;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This section does 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 180 days.

(B) This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in § 151.03.

(1) A residential or nonresidential building may be constructed on permanent land fill in accordance with the following.

(a) The fill shall be placed in layers no greater than one foot deep before compaction.

(b) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPE.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(2) A residential or nonresidential building may be elevated in accordance with the following.

(a) The building or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to floodwaters. The walls shall have permanent openings no more than one foot above grade, and not subject to damage by hydrostatic pressures associated with the base flood.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjacent structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.

(c) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all utility meters, electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at or above the FPE.

(d) No area below the FPE shall be used for storage of items or materials subject to flood damage unless such items or materials are declared "property not covered by a Standard Flood Insurance

Policy of the National Flood Insurance Program.

(e) Manufactured homes and travel trailers to be installed on a site for more than 180 days shall be:

1. Elevated at or above the FPE in accordance with divisions (B)(1) or (B)(2) above, and

2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the state's Mobile Home Tie Down Act issued pursuant to 210 ILCS 120/1-6.

(3) Only a non-residential building may be flood-proofed in accordance with the following:

(a) A registered professional engineer shall certify that the building has been designed so that below the FPE the structure and attendant utility facilities are water-tight and capable of resisting the affects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.

(b) Flood-proofing measures shall be operable without human intervention and without an outside source of electricity.

(Ord. 581, passed 9-19-1990) Penalty, see § 10.99

§ 151.23 OTHER DEVELOPMENT REQUIREMENTS.

(A) The Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use, and development.

(B) New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs), and additions to manufactured home parks and subdivisions shall meet the requirements of §§ 151.21 and 151.22. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

(C) Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDs), and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the state's Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the state's Water Survey for review and approval as best available elevation data.

(Ord. 581, passed 9-19-1990)

CHAPTER 152: MOBILE HOMES AND TRAILER COACHES

Section

General Provisions

- 152.01 Zoning
- 152.02 Exception

Trailer Coaches

- 152.15 Definition
- 152.16 Application
- 152.17 Consent required
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- 152.19 Permit fee
- 152.20 Sanitation
- 152.21 Location
- 152.22 Storage
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GENERAL PROVISIONS

§ 152.01 ZONING.

No mobile homes shall hereafter be located or established within the village outside of established mobile home parks operating after the grant of a special use permit within Chapter 154 of this code of ordinances.

(Ord. 473, passed 9-4-1974) Penalty, see § 10.99

§ 152.02 EXCEPTION.

This subchapter shall not apply to mobile homes in existence within the corporate limits on the effective date of this subchapter, nor to replacement mobile homes on existing sites so long as the number of mobile homes does not increase nor location of the mobile home change.

(Ord. 473, passed 9-4-1974)

TRAILER COACHES

§ 152.15 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TRAILER COACH. Includes any trailer or similar portable structure constructed so as to permit it being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons.

(Ord. 455, passed 4-14-1970)

§ 152.16 APPLICATION.

(A) This subchapter shall apply to any new or used trailers which are located or maintained in the village after the effective date of this subchapter, regardless of whether they are located on pre-existing trailer sites or new trailer sites.

(B) This subchapter shall not apply to trailers which already are located and being maintained within the village.

(Ord. 455, passed 4-14-1970)

§ 152.17 CONSENT REQUIRED.

It shall be unlawful for any person, firm, or corporation to locate or maintain any trailer coach within the village in any block without first securing the written consent of the majority of the property owners within a 300-foot radius.

(Ord. 455, passed 4-14-1970) Penalty, see § 10.99

§ 152.18 PERMIT REQUIREMENTS.

It shall be unlawful to establish, maintain, or operate a trailer coach in the village without first obtaining a permit therefor. Application for such permit shall be made in writing to the Board of Trustees and shall contain the name of the applicant, the description and exterior and interior condition of the trailer, a plat or sketch showing the number and size of the lot and the proposed location of the trailer coach thereon, and the written consent of the property owners, as provided in § 152.17.

(Ord. 455, passed 4-14-1970) Penalty, see § 10.99

§ 152.19 PERMIT FEE.

It shall be unlawful to establish, operate, or maintain a trailer coach in the village without having obtained a permit therefor. The fee for said permit shall be \$100.

(Ord. 455, passed 4-14-1970) Penalty, see § 10.99

§ 152.20 SANITATION.

All trailer coaches which are located within the corporate limits of the village must be connected to the village water mains and to the village sewerage mains, as required in existing village ordinances. No tap or connections shall be made to the village water main or water line until a permit has been secured, as provided in § 152.18.

(Ord. 455, passed 4-14-1970)

§ 152.21 LOCATION.

No trailer coach shall be located on a site of not less than 6,000 square feet, and no trailer coach shall be parked closer than 15 feet to the side lines of the abutting property nor closer than 30 feet to a public street or alley.

(Ord. 455, passed 4-14-1970) Penalty, see § 10.99

§ 152.22 STORAGE.

Nothing in this subchapter shall be construed to prohibit the storage of any trailer coach for any length of time within the corporate limits when said trailer coach is not used for sleeping or living purposes.

(Ord. 455, passed 4-14-1970)

§ 152.23 SKIRTING.

The base of all trailers located in the village shall be enclosed with skirting customarily used in the industry.

(Ord. 455, passed 4-14-1970)

CHAPTER 153: SUBDIVISIONS

Section

General Provisions

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- 153.002 Jurisdiction and procedure
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- 153.016 Relation to adjoining street system
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Final Plat

- 153.070 Drawing
- 153.071 Information required
- 153.072 Approved plat filed with Recorder of Deeds

GENERAL PROVISIONS

§ 153.001 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public right-of-way primarily designated to serve as access to the side or rear of those properties whose principal frontage is on some other street.

ARTERIAL STREET. A street designated as a highway, major arterial, or minor arterial on the adopted Major Street Plan of the village.

BLOCK. A tract of land bounded by street or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of the corporate limits of the village.

BUILDING LINE. A line within a lot, so designated on a plat of subdivision, between which line and the street line of any abutting street no building or structure may be erected.

COLLECTOR STREET. A street designated as a collector on the adopted Major Street Plan of the village or a street in a proposed subdivision which is intended to collect traffic to arterial thoroughfares, in addition to providing access to properties abutting thereon.

CUL-DE-SAC. A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.

DRIVEWAY. Private access way leading from a public street to a dwelling unit or building.

EASEMENT. An access way over, under, or across land for which the owner of the servient tenement grants a right of use to the owner of a dominant tenement for one or more designated purposes, which purposes are consistent with the property rights of the servient owner.

IMPROVEMENT; PUBLIC IMPROVEMENT. Street work and utilities, including water, sewer, electric, gas, and stormwater, to be installed by the subdivider on land to be used for public streets or easements, as are necessary for the general use of lot owners in the subdivision and the public at large, and as a condition precedent to the approval and acceptance of the final plat thereof.

LAND USE. The plan or any portion thereof adopted by the village for the coordinated physical development of the village and its environs.

LOCAL STREET. A street other than an arterial or collector street and intended primarily for providing low volume traffic access to abutting properties of limited number.

LOT. A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

OWNER. Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PLAN COMMISSION. Plan Commission of the Village of Teutopolis.

PLANS. All drawings, including general plans, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent, and details of the public improvements required in this chapter.

PLAT. A map or drawing showing the lot, easement, street arrangement, and other features or details of the area being subdivided, as required in this chapter for preliminary and final approval and recording.

STREET. A public thoroughfare which affords the principal means of access to abutting properties, whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

SUBDIVIDE. The process of dealing with land so as to establish a subdivision as defined herein.

SUBDIVIDER. Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

SUBDIVISION. Either:

(a) The division of land into two or more tracts, sites, or parcels resulting in any such tract being less than five acres in area; or

(b) The establishment or dedication of a road, highway, street, or alley through a tract of land regardless of area; provided, however, that the following shall not be considered a subdivision of land:

1. The division or subdivision of land into parcels or tracts of five acres or more in size that does not involve any new streets or means of access;

2. The sale or exchange of parcels of land between owners of adjoining and contiguous land unless such action creates a lot or lots that violate the terms of the village zoning ordinance, as amended;

3. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or public utility facilities (e.g., pipelines) that does not involve any new streets or means of access;
4. The conveyance of land owned by a railroad or other public utility that does not involve any new streets or means of access;
5. The conveyance of land for highway or other public purposes, grants or conveyances relating to the dedication of land for public use, or instruments relating to the vacation of land impressed with a public use; or
6. Conveyances made solely to correct descriptions in prior conveyances.

VILLAGE BOARD. Board of Trustees of the Village of Teutopolis.

(B) Unless the context requires otherwise, terms not defined herein but defined in Chapter 154 of this code shall have the meaning therein indicated.
(Ord. 771, passed 2-20-2008)

§ 153.002 JURISDICTION AND PROCEDURE.

(A) *Plat when required.* It shall be unlawful for the owner or person having control of any land, within either the corporate limits of the village or within one and one-half miles of its corporate limits, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, or public ways unless by a subdivision plat in accordance with the laws of the state and the provisions of this chapter.

(B) *Pre-application conference.* The subdivider shall meet with the Building Official prior to submitting the preliminary plat. The purpose of this meeting is to discuss the applicability of this chapter and the subdivision process and procedure, the criteria and standards contained therein, and to familiarize the developer with the village's land use plan and those portions of the plan affecting the area in which the proposed subdivision lies.

(C) *Preliminary plat.* Any person proposing to subdivide land shall submit to the Plan Commission, for its consideration, a preliminary plat prepared in accordance with this chapter. The design and layout of the subdivision shall conform to the requirements of §§ 153.015 through 153.024. Following consideration of the plat, the Plan Commission shall report its findings and recommendations in writing to the Village Board for its consideration and its approval or disapproval.

(D) *Requisites for final plat approval.* Following approval of the preliminary plat by the Village Board, the subdivider shall install the required improvements or furnish a bond for such installation, all in accordance with the requirements of §§ 153.050 through 153.057. Upon approval of the improvements or arrangements therefor, the final plat shall be submitted in accordance with the provisions and requirements of §§ 153.070 through 153.072. No plat shall be filed for record in the office of the Recorder of Deeds of the county unless and until the approval of the Village Board endorsed thereon by

the President and Village Clerk.

(E) *Transfer of land; building permits.* No parcel of land in a subdivision created after the effective date of this chapter shall be transferred, sold, or offered for sale, nor shall a building permit be issued for any structure thereon, until a plat of subdivision shall have been filed for record in the office of the Recorder of Deeds of the county in accordance with these regulations. Any person who violates this chapter shall be subject to the penalties contained herein.

(Ord. 771, passed 2-20-2008) Penalty, see § 10.99

§ 153.003 GENERAL EXCEPTIONS.

Whenever the tract to be subdivided is of such an unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in real difficulties, substantial hardship, or injustice, the Board of Appeals, upon petition and after a public hearing as in zoning variance cases provided for, may vary or modify such requirements so that the subdivider may develop the property in a reasonable manner; provided, however, that the public welfare and interests of the village and surrounding area are protected and the general intent and spirit of this chapter preserved.

(Ord. 771, passed 2-20-2008)

SUBDIVISION DESIGN STANDARDS

§ 153.015 APPLICATION.

The arrangement of streets and lots shall be designed with due regard to the topography and other physical features of the property, and shall meet the following requirements and standards.

(Ord. 771, passed 2-20-2008)

§ 153.016 RELATION TO ADJOINING STREET SYSTEM.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street and alley arrangements shall not be such to cause hardship to owners of adjoining property in developing their own land and providing convenient access to it. Offset streets shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than five degrees from a right angle. Streets in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are inconsistent or conflicting with existing street names shall not be approved.

(Ord. 771, passed 2-20-2008)

§ 153.017 STREET AND ALLEY WIDTH.

(A) Rights-of-way (ROW) and pavement widths for streets shall be based on the major streets plan and recommended street cross-sections adopted by the village and as outlined below.

	<i>Minimum ROW</i>	<i>Minimum Pavement Width</i>
Arterial	70	32 feet
Collector	60	30 feet
Local	60	26 feet

(B) Alleys shall not be provided in a residential block. Provisions shall be made for service and deliveries for all business lots.

(C) At street intersections, the lots shall be day lighted to provide an additional 20 feet by 20 feet triangle dedicated to right-of-way.
(Ord. 771, passed 2-20-2008)

§ 153.018 PRIVATE STREETS.

There shall be no private streets platted in any subdivision within the village and every subdivided property shall be served from a publicly dedicated street.
(Ord. 771, passed 2-20-2008)

§ 153.019 EASEMENTS.

Easements of at least 15 feet in width shall be dedicated on each side of all rear lot lines and five feet along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities, or where both water and sewer lines are located in the same easements.
(Ord. 771, passed 2-20-2008)

§ 153.020 BLOCKS.

(A) No block shall be longer than 1,200 feet, and where blocks are over 750 feet in length, a crosswalk with a right-of-way of at least ten feet in width may be required near the center of the block.

(B) Courts, dead end streets, or other street space may be provided if proper access is given to all lots from a dedicated street or court. All dead-end streets shall terminate in a dedicated street space having a minimum radius of 60 feet or other satisfactory arrangement for turning of vehicles. Dead end streets shall not exceed 750 feet in length.

(Ord. 771, passed 2-20-2008) Penalty, see § 10.99

§ 153.021 LOTS.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

(B) All sidelines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation of this standard will result in a better street and lot layout. Lots with double frontage shall be avoided.

(C) No lot shall have a depth of less than 100 feet nor shall its depth be in excess of three times its width, and no lot shall have an area or dimensions of less than that required by any zoning ordinance or resolution in effect within the area.

(D) Corner lots shall have a width sufficient to permit the establishment of front building lines of both of the adjoining streets.

(Ord. 771, passed 2-20-2008) Penalty, see § 10.99

§ 153.022 MAINTENANCE OF IMPROVEMENTS OUTSIDE CORPORATE LIMITS.

Where a subdivision outside the corporate limits contains sewage disposal or treatment systems, water supply systems, park areas, or other facilities necessary or desirable for the welfare of the subdivision area, which neither the village nor any other governmental body having jurisdiction can or elects to maintain, adequate provision shall be made by a trust agreement or other means made a part of the deed restrictions acceptable to the village for the proper and continuous maintenance and supervision of such facilities by, or for the benefit of, the parties served by such facilities.

(Ord. 771, passed 2-20-2008)

§ 153.023 EASEMENTS ALONG STREAMS.

Whenever any stream or other area surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the waterway for the purpose of widening, deepening, sloping, improving, or protecting the waterway, and such easement shall be dedicated to the village or other appropriate governmental body.

(Ord. 771, passed 2-20-2008)

§ 153.024 STORMWATER.

(A) Downstream property owners, watercourses, channels, or conduits shall not receive stormwater runoff from any proposed upstream developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its

natural, undeveloped conditions, nor shall stormwater runoff exceed the capacity of the natural drainage system.

(B) Accordingly, the village does hereby regulate stormwater runoff as follows:

(1) Stormwater runoff resulting from a proposed development shall be detained on-site:

- (a) By wet or dry bottom reservoirs;
- (b) By underground reservoirs;
- (c) On flat roofs, parking lots; or
- (d) By other detention methods approved by the Village Engineer.

(2) Stormwater detention facilities shall have sufficient capacity to store flows up to the 100-year, 24-hour rainstorm.

(3) For purposes of designing adequate on-site detention facilities, the state's Water Survey rainfall data for this region shall be used.

(4) The provisions of this section shall be applicable to the following areas:

- (a) Any residential development having a gross aggregate area of ten acres or more;
- (b) Any residential development of less than ten acres with a 50% impervious surface, including roads, buildings, utility rights-of-way, and other improvements; or
- (c) Any commercial, industrial, institutional, or utility development.

(5) Any development subject to the regulations herein imposed must be certified by the Village Engineer as being in compliance herewith, at developer's expense.
(Ord. 771, passed 2-20-2008)

PRELIMINARY PLAT

§ 153.035 WHERE FILED; EXEMPTION.

Nine copies of the preliminary plat, drawn to a scale of not more than 100 feet to an inch, shall be submitted to the Plan Commission. The plat shall be accompanied by a filing fee of \$50 or the sum of \$5 for each lot within the proposed subdivision, whichever is greater. The preliminary plat shall be reviewed by the Plan Commission with due regard to applicable zoning. Plats containing three lots or fewer, and not involving new streets, may be exempted from the provision of this subchapter upon application to the Plan Commission.

(Ord. 771, passed 2-20-2008)

§ 153.036 REQUIREMENTS.

The preliminary plat shall show:

(A) The location of the present property lines, section lines, streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto; the complete right-of-way and improvements of all existing streets including sidewalks adjacent to the subdivision;

(B) The proposed location and width of streets, sidewalks, lots, building lines, and easements;

(C) Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract immediately abutting thereto; the location and size of the nearest water main and sewer outlet;

(D) The title under which the proposed subdivision is to be recorded and the name of the professional engineer, the registered land surveyor, and the subdivider developing the tract;

(E) Contours referred to the village datum with intervals of two feet or less;

(F) The north point, scale, date, and location map; existing zoning;

(G) Floodplain boundaries as shown on the village's flood hazard map;

(H) Plans or written statements describing the grades or profiles of the streets, the proposed grades and facilities for all required improvements, and the subdivider's proposal to the village for accomplishing their installation in accordance herewith; and

(I) Listing of all proposed deviation from existing subdivision or zoning ordinances or ordinances of similar import.

(Ord. 771, passed 2-20-2008)

§ 153.037 APPROVAL OF PRELIMINARY PLAT.

If the Plan Commission finds that the preliminary plat satisfies the requirements of this chapter, it shall approve the plat and recommend approval of the plat to the Village Board. If the Plan Commission finds otherwise, it shall specify in writing the objections found to such plat and may either recommend disapproval or recommend approval conditioned upon specific changes in the plat. One copy of the proposed plat, together with a copy of the findings of the Plan Commission, shall be filed by the Plan Commission with the Village Clerk for submission to the Village Board. One copy of the proposed plat and findings shall be retained by the Plan Commission and one copy and findings shall be given the subdivider.

(Ord. 771, passed 2-20-2008)

*MINIMUM IMPROVEMENTS***§ 153.050 AUTHORITY TO PROCEED.**

Receipt by the subdivider of the approval of the Village Board shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit such final plans and specifications to the Village Engineer. If said Village Engineer shall find such plans and specifications to be in accordance with applicable policies and standards of the village, he or she shall authorize construction and recommend the amount of bond, if required. Following the approval of the plans and specifications by the Village Engineer and the bond by the Village Board, construction may be started.

(Ord. 771, passed 2-20-2008)

§ 153.051 IMPROVEMENTS BEFORE APPROVAL.

No final plat of any subdivision shall be approved unless:

(A) The improvements listed hereinafter have been installed prior to such approval;

(B) The subdivider shall have filed with the Village Board bond with satisfactory surety (e.g., cash, commercial bank certificate of deposit, or a reputable commercial surety) to ensure the construction of the required improvements to the standard and within the period specified by the Village Board, such period not to exceed two years. No bond shall be accepted unless it is enforceable by or payable to the village in a sum at least equal to the cost of constructing the improvements as estimated by the Village Engineer and approved by the Village Board. All improvements to be made under the provision of this subchapter shall be inspected during the course of the construction by the Village Engineer, as designated by the Village Board, and no subdivision shall be finally accepted as to any of such improvements until its approval by the Village Board; or

(C) A fee equal to the fee paid by the village to its Village Engineer for like services shall be paid to the village to defray the village's cost of reviewing and approving plans and specifications for public improvements, and the on-site inspection of construction of said public improvements by the Village Engineer. These fees shall be borne by the subdivider. All engineering plans, specifications, and construction contracts shall be subject to the approval of the Village Engineer. When the village has ascertained that all improvements have been completed by the subdivider and that said improvements conform to the required standards of the village, the village shall accept the improvements by resolution and shall return the bond to the subdivider.

(Ord. 771, passed 2-20-2008)

§ 153.052 INSTALLATION OF PART OF IMPROVEMENTS.

The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements only in a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a final plat is approved for recording; provided, however, that any water mains, storm sewers, trunk sewers, and any sewage treatment facilities shall be designated and built to serve all the area owned by the subdivider, or designated and built in such a manner that they can economically be expanded or extended to serve the entire area.

(Ord. 771, passed 2-20-2008)

§ 153.053 SURVEY MONUMENTS.

All subdivision boundary corners shall be marked with permanent survey monuments set flush with the ground. A permanent monument shall be deemed to be an iron rod at least thirty inches long with a minimum size of three-quarter inch diameter. Should conditions prohibit the placing of monument on the line, off-set marking will be permitted, provided, however, that exact off-set courses and distances are shown on the subdivision plat. Iron pipes or steel rods of a minimum of one-half inch diameter shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before the final plat is approved.

(Ord. 771, passed 2-20-2008)

§ 153.054 STREETS AND SIDEWALKS.

(A) (1) All streets and public ways shall be graded to their full width (as specified herein) including side slopes, and to the appropriate grade, and shall be surfaced according to village specifications with one of the following alternates:

(a) Seven and one-half inches of compacted crushed stone or gravel and prime coat seal with an A-3 seal treatment;

(b) Six inches of compacted gravel or crushed stone base course with two inches of hot plant mix bituminous surface; or

(c) Six inches of portland cement concrete pavement without mesh.

(2) The village may specify a higher construction standard for arterial and collector streets; however, in such instances the village shall assume the difference in cost.

(B) Curbs, gutters, or combination curb and gutters shall be constructed along the outside pavement line in accordance with village standards and specifications.

(C) Except as provided herein, the subdivider shall construct concrete sidewalks within the public right of way adjacent to and along the exterior lot lines adjacent to streets. All sidewalks in residential areas

shall be a minimum of four feet (4') in width. All sidewalks in commercial areas shall be a minimum of five (5') feet in width, unless the sidewalk is adjacent to the curb where traffic is allowed to park in the street, in which case, the sidewalk shall be a minimum of six (6') feet in width. All sidewalks shall be located in general conformity to the standard street cross section and shall be installed in accordance with village standards and specifications and conforming to all applicable laws, ordinances, rules, and regulations of every governmental body having jurisdiction thereof including, but not limited to, the Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq. and any act of similar import. Sidewalks shall be separated from the back of the curb or gutter by a minimum four feet (4') wide earthen area in residential areas. A subdivision in a residential district consisting of no more than three (3) lots shall be exempt from the sidewalk construction requirement. Whenever the stage of development or the character of the surrounding area of the subdivision justify an exception to the sidewalk construction requirement, the Village Board may waive the sidewalk construction requirement when the Final Plat is approved.

(D) Where lots are 20,000 square feet or more in area, a 24-foot wide surface may be installed without curb or gutter, provided that four-foot wide shoulders and adequate drainage facilities approved by the Village Engineer are constructed.
(Ord. 771, passed 2-20-2008; Ord. 876, passed 4-19-2017)

§ 153.055 WATER LINES.

(A) Where a subdivision is located within the village limits, each lot therein shall be provided with access to the village water system across the entire lot width. Fire hydrants shall also be installed in all subdivisions within the corporate limits, and the location of the same shall be approved by the village. The water supply system shall be constructed under the direction and control of, and all construction shall be subject to, the approval of the village. Dead end water mains shall be avoided. When running parallel with sidewalk or curbing, no water main or sewer main shall be installed so as to be directly under or within two feet of either side of sidewalk or curbing as to inhibit access to said water main or sewer main.

(B) In subdivisions outside the village limits, pending availability of a public water supply, the subdivider shall construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The installation shall conform to standards and requirements and be subject to the approval of any governmental bodies having jurisdiction thereof.
(Ord. 771, passed 2-20-2008)

§ 153.056 SANITARY SEWERS.

(A) Where the subdivision is located within the village limits, each lot therein shall be provided with a connection to a sanitary sewer, said sewer connection to terminate not less than two feet inside the curb line or easement line. All connections to the village sewer system and the subdivision sewer system shall comply with applicable ordinances of the village pertaining to sewers, and all construction of the system shall be subject to direction and approval of the village. In subdivisions beyond the village limits

in which the lots are less than 20,000 square feet and where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared by the village, the subdivider may be required to install sewers in conformity with such plans. In such cases, until a connection can be made with the public sewer system, the use of an alternate central treatment facility will be permitted, provided such facilities are approved by the village and any other governmental bodies having jurisdiction thereof. When running parallel with sidewalk or curbing, no water mains or sewer mains shall be installed as to be directly under or within two feet of either side of sidewalk or curbing as to inhibit access to said water main or sewer main.

(B) In subdivisions beyond the village limits where the lots are 20,000 square feet or more and have a minimum width of 100 feet, the subdivider may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be approved by, and constructed in accordance with, regulations and requirements of the village and any other governmental body having jurisdiction thereof.

(Ord. 771, passed 2-20-2008)

§ 153.057 DRAINAGE.

(A) The subdivision plat shall be laid out so as to provide drainage of the area being subdivided, including facilities such as curb and gutter, catch basins, culverts, bridges, and natural drainage ways.

(B) The design of the storm drainage system shall be based on a two and one-half inches per hour maximum rainfall intensity and the system designed according to accepted engineering practices, village specifications, and the following general standards.

(1) The minimum street grade shall be 0.3%; provided, that whenever possible, the village shall encourage a minimum street grade of 0.5%.

(2) Curb and gutter shall be provided as outlined above.

(3) No transport of runoff across a street by use of a swale shall be permitted.

(4) Runoff may be transported from lots to the public stormwater drainage system by swales.

(5) Inlets shall be provided as required by §§ 6-410.06 and 6-401.07 of the state's Department of Transportation Design Manual (current edition) for a ten-year flood frequency.

(6) Runoff collected at inlets shall be piped to, or discharged to, a natural watercourse.

(C) Drain tiles shall be installed under sidewalks at locations to be designated on the Preliminary Plat or as approved by the Building Official at the most appropriate locations to facilitate the flow of storm water, whether following a natural watercourse or storm water collected through a system of gutters or drains, and taking into account the likely future development of the land.

(Ord. 771, passed 2-20-2008; Ord. 876, passed 4-19-2017)

FINAL PLAT

§ 153.070 DRAWING.

The final plat shall be drawn on reproducible mylar or similar durable material at a scale of not more than 100 feet to the inch from an accurate survey and appear on one or more sheets whose maximum dimensions shall not exceed 24 inches by 36 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on other sheets. The original and nine prints of the final plat shall be submitted to the Plan Commission. If the final plat conforms to the approved preliminary plat and the requirements of §§ 153.050 through 153.057 and 153.070 through 153.072 have been accomplished, certification to this effect shall be endorsed on the final plat by the Chairperson of the Plan Commission, and the plat shall thereupon be submitted to the Village Board with its recommendation for approval. If the final plat fails to conform to the approved preliminary plat, the Plan Commission shall submit its recommendations to the Village Board for disapproval of the final plat.

(Ord. 771, passed 2-20-2008)

§153.071 INFORMATION REQUIRED.

The final plat and accompanying documents shall show:

- (A) The boundary lines of the area being subdivided with accurate distances and angles;
- (B) The correct legal description of the property being subdivided shall be shown on the plat, or on an accompanying certificate;
- (C) The lines of all proposed streets and alleys with their widths and the names of all streets;
- (D) An accurate outline and designation of any portions of the property intended to be dedicated or granted for public use;
- (E) Floodplain boundaries as determined by the flood hazard map;
- (F) The lines of all adjoining properties and the lines of adjoining streets and alleys with their widths and the names of all streets;
- (G) All lot lines, together with an identification of all lots and blocks;
- (H) The location of all easements provided for public use, service, or utilities;

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(I) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest one-hundredth of a foot. The radii, arcs, or chords, points of tangency, and central angles for all curvilinear streets and radii for rounded corners;

(J) The location of all survey monuments and their descriptions;

(K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owner, owners, or subdivider;

(L) The certificate of a registered state land surveyor attesting the accuracy of the survey and the correct location of all monuments shown;

(M) Private restrictions, covenants, and trusteeships, if any, and their periods of existence. Should these restrictions, covenants, or trusteeships be of such length as to make their inclusion on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;

(N) Calculations showing the error of linear closure, which error shall in no case be greater than one in 5,000;

(O) Acknowledgment of the owner or owners of the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required;

(P) A receipt or certificate showing that there are no unpaid taxes or assessments upon any part of the area within the subdivision;

(Q) Statement certifying that the subdivision is, or is not, within 500 feet of any surface drain or watercourse serving a tributary area of 640 acres or more;

(R) Other information as required by any applicable law, rule, regulation, ordinance, or similar requirement; and

(S) Village approval endorsement.
(Ord. 771, passed 2-20-2008)

§ 153.072 APPROVED PLAT FILED WITH RECORDER OF DEEDS.

After the approval of the final plat by the Village Board, said plat shall be recorded in the County Recorder's office within the time provided by law or within 60 days, whichever is the shorter period of time. If not so filed, such plat shall have no validity and shall not be later recorded without the approval of the Village Board.

(Ord. 771, passed 2-20-2008)

CHAPTER 154: ZONING

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GENERAL PROVISIONS

§ 154.001 PURPOSE.

The zoning districts established and the zoning regulations and standards adopted herein have been made for the purpose of:

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- (A) Securing adequate light, pure air, and safety from fire and other dangers;
 - (B) Conserving the value of land, buildings, and structures throughout the village;
 - (C) Lessening and avoiding congestion in the public streets;
 - (D) Lessening and avoiding hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters;
 - (E) Promoting the public health, safety, comfort, morals, and general welfare;
 - (F) Regulating and limiting the height and bulk of buildings and structures hereafter to be erected;
 - (G) Establishing, regulating, and limiting the building or setback lines on or along any street, traffic way, drive, parkway, or storm or floodwater runoff channel or basin;
 - (H) Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures;
 - (I) Classifying, regulating, and restricting the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, commercial, residential, and other uses;
 - (J) Dividing the entire village into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classifications as may be deemed best suited to carry out the purposes of this chapter;
 - (K) Fixing regulations and standards to which buildings, structures, or uses therein shall conform;
 - (L) Prohibiting uses, buildings, or structures incompatible with the character of such districts; and
 - (M) Preventing additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this chapter.
- (Ord. 770, passed 2-20-2008)

§ 154.002 SCOPE.

It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by this chapter or amendments hereto, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the village is a party. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of this chapter shall control.

(Ord. 770, passed 2-20-2008)

§154.003 RULES OF CONSTRUCTION.

The following rules shall apply in the construction and interpretation of this chapter and of the terms used herein.

(A) The present tense includes the future tense.

(B) The masculine gender includes the feminine and the neuter, and vice versa, as the context may require.

(C) The singular number includes the plural, and vice versa, as the context may require.

(D) The word shall is always mandatory; the word may is always permissive.

(E) The word person includes a partnership, association, firm, trust, club, company, or corporation, as well as an individual.

(F) The word used or occupied as applied to any land, building, use, structure, or premises shall be construed to include the words intended, arranged, or designed to be used, occupied, or located.

(G) The word lot shall include the words plot, tract, and parcel.
(Ord. 770, passed 2-20-2008)

§ 154.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. Egress or ingress.

ACCESSORY. As applied to a building, structure, or use, one which is on the same lot with, incidental, and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use. Residential occupancy of an accessory building as a dwelling unit is not permitted in any district. The term “accessory building” as used herein, shall not include any structure designed and erected for the principal purpose of a child’s recreation, which would include by way of illustration: play houses, tree houses whether or not utilizing ground support, swinging and climbing apparatus, and sand boxes.
(Ord. 916, passed 5-1-2019)

ADULT ORIENTED BUSINESS. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, sexual encounter center, or adult entertainment facility (as defined in chapter 112 and in 65 ILCS 5/11-5-1.5).

AGRICULTURE. The growing, harvesting, and storing of crops, including legume, hay, grain, fruit and vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry, and greenhouses; the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms and fish and wildlife farms; farm buildings used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants, or seasonal or year-round hired farm workers. It is intended by this definition to include all types of agricultural operations, but to exclude therefrom operations such as a grain elevator, canning, or slaughterhouses, wherein the agricultural products produced primarily by others are stored or processed.

ALLEY. A permanent service right-of-way which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.

ALTER; ALTERATION. Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, or any movement of a structure from one location or position to another.

ANIMAL HOSPITAL. An establishment for the treatment or boarding of small animals such as dogs, cats, rabbits, and birds by a veterinarian.

AREA; BUILDING. The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot, exclusive of uncovered porches, terraces, steps or awnings, marquees, and nonpermanent canopies and planters.

AREA FLOOR, HABITABLE. The sum of the horizontal areas of all rooms in a building, exclusive of basement or cellar, used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, or closet, but not including hallways, stairways, service rooms, or utility rooms, nor unheated rooms such as enclosed porches, nor rooms without at least one window or skylight opening onto a yard or court, measured between the interior faces of walls.

AREA, LOT. The total area within the lot lines.

AUTOMOBILE. A self-propelled, free-moving motor vehicle for the conveyance of persons on a street and having a seating capacity for not more than ten persons.

AWNING. A retractable or removable roof-like structure which, when opened or extended, projects from the wall of a building or structure and overhangs the public way or adjacent yard or court.

BASEMENT. A story having part but not more than one-half its height below grade.

BERTH, LOADING. A stall of dimensions herein specified, adjacent to a loading dock for the maneuvering and parking of a vehicle for loading and unloading purposes.

BILLBOARD. Any structure or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official public notices or church bulletins.

BLOCK. Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

BOARD OF APPEALS. The Zoning Board of Appeals of the village.

BOARDING HOUSE. A dwelling containing at least three dwelling units or lodging units in whatever combination. Meals are provided within such boarding house to the residents of the lodging units.

BUFFER STRIP. An area, property, lot, or tract of land or portion thereof, either vacant or landscaped with screen planting as herein specified, which shall serve as a separating space between dissimilar land uses or districts.

BUILDING. An enclosed structure having a room supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.

BUILDING, ATTACHED. A building having one or more walls in common with other buildings.

BUILDING, DETACHED. A building having no walls in common with other buildings.

BUILDING, MAIN OR PRINCIPAL. The building in which is conducted the main or principal use of the lot on which it is located.

BUILDING OFFICIAL. The officer designated by the Village Board to enforce this chapter.

BUILDING RESTRICTION LINE. A line usually parallel to the front, side, or rear lot line set so as to provide the required yards for a building or structure.

CAMP. A tract of land on which may be located buildings, structures, or camping vehicles, which land, together with appurtenances thereon, is used for seasonal, recreational, or other similar purposes. A camping vehicle shall not be located in such camp for more than 30 consecutive days. A **CAMP** shall not be deemed to include a hospital, sanitarium, nursing or convalescent home, asylum, school, penal or correctional institution, nor a trailer camp.

CANOPY. A nonretractable roof-like structure of either a permanent or nonpermanent nature which projects from the wall of a structure, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent yard or court.

CELLAR. A story having less than one-half of its height above grade.

CLINIC. An establishment without facilities for inpatient nursing care, where one or more physicians or other medical professionals diagnose and treat human physical or mental ailments.

COMPREHENSIVE PLAN. The complete plan or any of its parts for the development of the village as prepared by the Plan Commission or other planning agency, and adopted by the Village Board as the official plan.

CONSTRUCTION. The excavation of earth to provide for a foundation, basement, or cellar; or, the addition to or removal from a lot or tract of land of earth or water so as to prepare said lot or tract of land for the construction of a structure; or, the act of placing or affixing a component of a structure upon the ground or upon another such component; or, the placing of construction materials in a permanent position and fastened in a permanent manner; or, the demolition, elimination, or removal of an existing structure in connection with such construction.

COURT. An open space, other than a yard, on the same lot with a building which is bounded on two or more sides by, but is not enclosed by, the walls of such building.

COVERAGE. The percentage of the lot area covered by the building area.

CURB LEVEL. The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the **CURB LEVEL** shall be the average elevation of the land surface taken along the street right-of-way line between the points of intersection of the right-of-way line and the lot lines.

DISTRICT. A section of the village in which zoning regulations and standards are uniform.

DOCK, LOADING. A platform-like structure adjacent to a loading berth from which goods are loaded on, and on which goods are unloaded from, a vehicle parked in such loading berth.

DWELLING. A building designed for residential living purposes and containing one or more dwelling units or lodging units.

DWELLING UNIT. One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and not more than two roomers or boarders, and which contain a stove, sink, and other kitchen facilities.

DWELLING, GROUP. A group of two or more single-family or multi-family dwellings, whether attached, semi-detached, or detached, in whatever combination, occupying a lot or lots in one ownership.

DWELLING, MULTI-FAMILY. A dwelling containing three or more dwelling units.

DWELLING, SINGLE-FAMILY. A dwelling containing one dwelling unit.

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units with one dwelling unit arranged on the same story or on a story above the other dwelling unit.

EGRESS. The way over which traffic moves to a street or alley from the property abutting such street or alley, and the way over which traffic moves to a major street from a minor street or alley.

ESTABLISHMENT. A business, retail, office, or commercial use. When used in the singular, this term shall be construed to mean a single use, building, structure, or premises of one of the types here noted.

FAMILY.

- (1) An individual;
- (2) Two or more persons related by blood, marriage, or adoption; or
- (3) Maximum of three persons not so related; together with his, her, or their domestic servants and gratuitous guests maintaining a common household in a dwelling unit or lodging unit.

FLOOR AREA RATIO. The ratio of the floor area of a building to its lot area. For example, when a floor area ratio of four-tenths is specified, the floor area of a building constructed on a lot of 10,000 square feet in area is limited to a maximum of 4,000 square feet. The number of stories being optional; e.g., the building area may be 4,000 square feet for one story, 2,000 square feet for each of two stories, and so forth. The purpose of this ratio is to control the bulk of buildings.

FUEL STORAGE TANK. The term **FUEL STORAGE TANK**, "petroleum underground storage tank, and terms of similar import shall have the meanings ascribed to them in 415 ILCS 5/57.2, as now or hereafter amended.

FUNCTIONAL DEFINITION. A description of a category of land, structure, or uses, which outlines the general function of such uses as opposed to a detailed listing of such uses. For example, the **FUNCTIONAL DEFINITION** of the agriculture district is "designed to accommodate agricultural uses of all types.

GRADE. The average of the elevations of the surface of ground measured at all corners of a building.

GROUP HOME. A dwelling, as defined herein, occupied by groups of unrelated individuals, particularly individuals with disabilities; *i.e.*, mental or physical impairments which substantially limit one or more major life activities.

HEIGHT.

- (1) As applied to a story: the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.
- (2) As applied to a building: the vertical measurement from grade to a point midway between

the highest and lowest points of the roof.

(3) As applied to a structure:

(a) Detached structure: the vertical measurement from the average level of the ground immediately surrounding such structure to the uppermost portion of such structure.

(b) Attached structure: where such structure is attached to another structure and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such structure to the uppermost portion of such structure shall be the **HEIGHT**. Where such structure is attached to another structure and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such structure to the uppermost portion shall be the **HEIGHT**.

HOME OCCUPATION. A gainful occupation or profession conducted entirely within a dwelling or in a structure accessory thereto, or conducted in connection with a dwelling and carried on by the residents therein, provided such occupation or profession is clearly incidental and secondary to the use of the dwelling for residential living purposes.

HOSPITAL. A building having facilities for inpatient nursing care, where physicians and other medical professionals diagnose and treat human physical ailments.

HOTEL. A building containing separate accommodations for use by primarily transient persons. A **HOTEL** may contain restaurants, barber shops, and other accessory services for serving its residents and the public.

INGRESS. The way over which traffic moves from a street or alley to the property abutting such street or alley and the way over which traffic moves from a major street to a minor street or alley.

JUNK YARD. A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, or sale of waste papers, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

KENNEL, COMMERCIAL. A structure for sheltering or keeping dogs, bitches, and puppies which either: is registered or listed as a kennel by a commercial organization; keeps or boards animals not belonging to a family dwelling on the premises; or keeps more than three such animals that are more than six months old.

LODGING HOUSE. A dwelling containing at least three dwelling units or lodging units in whatever combination. Meals are not provided within such lodging house to the residents of the lodging units.

LODGING UNIT. One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and do not contain cooking facilities.

LOT. When used alone, a zoning lot unless the context of this chapter clearly indicates otherwise.

LOT, CORNER. A lot located:

- (1) At the junction of, and abutting two or more, intersecting streets;
- (2) At the junction of, and abutting a street and the nearest shoreline or high-water line of, a storm or floodwater runoff channel or basin;
- (3) At the junction of, and abutting two or more, storm or floodwater runoff channels or basins; or
- (4) At the abutting point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot.

MARQUEE. A nonretractable roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way or adjacent yard or court.

MOTEL. A building or a group of buildings, whether detached or attached, containing accommodations for primarily transient vehicle travelers. The term **MOTEL** includes such buildings designated as tourist courts, tourist cabins, motor lodges, and other similar terms.

MOTOR BUS. A self-propelled, free-moving vehicle for the conveyance of persons on a street and having a seating capacity for eleven or more persons.

MOTOR TRUCK, HEAVY. A self-propelled, free-moving vehicle for the conveyance of goods on a street and having a load capacity of not less than one and one-half tons.

MOTOR TRUCK, LIGHT. A self-propelled, free-moving vehicle for the conveyance of goods on a street and having a load capacity of less than one and one-half tons.

MOTOR VEHICLE. A self-propelled, free-moving vehicle for the conveyance of goods or persons on a street.

NONCONFORMING LOT, STRUCTURE, OR USE. A lot, sign, structure, or use which does not conform to the regulations and standards of the district in which it is located.

NONCONFORMING PREMISES. A nonconforming lot with a nonconforming structure located on it.

NURSING OR CONVALESCENT HOME. A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

OPEN SPACE. The unoccupied space open to the sky on the same lot with a structure.

OWNER, OWNERSHIP. An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a use, structure, premises, lot, or tract of land.

PARKING LOT. A lot, court, yard, or portion thereof used for the parking of vehicles.

PARKING SPACE. A space accessory to a use or structure for the parking of one vehicle, the size of which shall be determined as herein specified. A **PARKING SPACE** may be located within a building or structure or in the open.

PERFORMANCE STANDARDS. Criteria established to control the use of land, structures, and premises by the amount of noise, odor, smoke, toxic or noxious matter, radioactive fire, and explosive hazards, and the glare of heat or light generated by, or inherent to, the use of land, structures, and premises.

PLAN COMMISSION. The Plan Commission of the village.

PLAT. A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

PROPERTY. The general term denoting, either singularly or in combination, an area, lot, parcel, tract, plot, unit, or otherwise designated portion of land.

RIGHT-OF-WAY. The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

SANITARY LANDFILL. A method of disposing of garbage, trash, refuse, or any combustible material of an organic nature by the spreading and daily covering of such materials with earth, meeting the standards established by the state's Department of Public Health, the state's Environmental Protection Agency, and any other regulating authority.

STORAGE SHED. Storage building, storage structure, or a storage shed. Any building placed or erected in the back yard of a home, or the back lot of a commercial or industrial business, where the owner can store items of his or her choosing away from the main structure. Items stored in these buildings must not violate any federal, state, or village safety regulations.

SUBDIVISION. Any division, development, or resubdivision of any part, lot, area, or tract of land by the owner or agent, either by lots or by metes and bounds, into lots two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale, with the appurtenant streets, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or owners within the tract subdivided. The division of land for agricultural purposes not involving any new street, alley, or other means of access, shall not be deemed a **SUBDIVISION** for the purposes of the regulations and standards of this chapter.

THEATER, OUTDOOR DRIVE-IN. An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.

TOURIST HOME. A dwelling containing the dwelling unit of the owner or operator and containing separate accommodations primarily for transient automobile travelers.

TRAILER CAMP. A tract of land meeting the standards established by the county health authorities, by the state's Department of Public Health, and any other regulating authority:

- (1) Where two or more inhabited trailer coaches are parked; or
- (2) Which is used by the public as parking spaces for two or more inhabited trailer coaches.

TRAILER COACH. Any portable or mobile vehicle or mobile home used for residential living purposes by a family. For the purpose of this chapter, such vehicle shall be classified as a trailer coach whether or not its wheels, rollers, skids, or other roller equipment have been removed, or whether or not any addition thereto has been on the ground.

USE. The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it is or may be occupied or maintained. The term permitted use or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE. A deviation from the regulations or standards adopted by this chapter which the Board of Appeals is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure or premises for which the variance is sought.

VEHICLE. A conveyance, either self-propelled or otherwise, in or on which persons and goods, or either of them, are transported on the surface of the ground including, but not limited to, automobiles, motor buses, motor trucks, tractors, sleighs, wagons, earth-moving equipment, and other such conveyances.

VILLAGE. The Village of Teutopolis, County of Effingham, State of Illinois.

VILLAGE BOARD. The governing body of the village.

WINDOW. An opening in an exterior wall of a building, other than a door, which provides all or part of the natural light or ventilation, or both, to an interior space.

YARD. An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

YARD, FRONT. A yard extending the full width of a lot and situated between the front lot line and

the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line or the nearest shore line or high-water line of a storm or floodwater runoff channel or basin, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line or the shoreline or high-water line of a storm or floodwater runoff channel or basin shall be classified as a **FRONT YARD**.

YARD, REAR. A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

YARD, SIDE. A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required rear yard to the front line of the required front yard.

ZONE. See **DISTRICT**.

ZONING LOT. A single property, parcel, unit, tract, plot, or otherwise designated portion of land having metes and bounds, which is designated to be used as a unit under single ownership or control and which may be occupied by one or more structures and the accessory structures or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A **ZONING LOT** may or may not coincide with a lot of record.
(Ord. 770, passed 2-20-2008)

§ 154.005 ESTABLISHMENT OF DISTRICTS.

For the purpose of promoting the public health, safety, morals, and general welfare, the village is hereby divided into the following types of districts:

- (A) NU, Non-Urban District;
- (B) R-1, Single-Family Residence District;
- (C) R-2, Two-Family Residence District;
- (D) R-3, Multi-Family Residence District;
- (E) R-4, Attached Single-Family Residence District;
- (F) B-1, Light Commercial District;
- (G) B-2, General Commercial District; and
- (H) M, Industrial District.

(Ord. 770, passed 2-20-2008)

§ 154.006 OFFICIAL ZONING MAP.

The location and boundaries of the districts established by this chapter are shown on the zoning map, which map, together with all explanatory matter thereon, is adopted by reference and incorporated herein and is hereby made a part of this chapter just as if fully described herein. A copy of said map shall be and remain on file in the office of the Village Clerk. The term map shall include both the zoning map of the territory within the village as well as any extraterritorial zoning map.
(Ord. 770, passed 2-20-2008)

§ 154.007 AMENDMENTS TO ZONING MAPS.

All amendments to this chapter which affect the location and boundaries of the districts established herein or of districts hereafter established shall be accompanied by, as part of said amending ordinance, a copy of the zoning map as modified by said amending ordinance showing the changes made by said amendment, or in lieu thereof, a detailed description of such changes. In addition, when major changes are made to the area zoned by this chapter, accompanying the amending ordinance there shall be a copy of the official zoning map as so modified which shall be designated: Amended Official Zoning Map No. ___ of the Village of Teutopolis, and which shall be known as the official zoning map from and after the effective date of the amending ordinance until replaced by a subsequent amendment.
(Ord. 770, passed 2-20-2008)

§ 154.008 RULES FOR BOUNDARIES.

Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply.

(A) *Streets and alleys.* Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow such center lines.

(B) *Lot lines.* Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

(C) *Village limits.* Boundaries indicated as approximately following village limits shall be construed as following such village limits.

(D) *Railroad lines.* Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks.

(E) *Parallels or extensions of above.* Boundaries indicated as parallel to, or extensions of, features indicated in divisions (A) through (D) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(F) *Other.* Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by divisions (A) through (E) above, the Board of Appeals shall interpret the district boundaries.

(Ord. 770, passed 2-20-2008)

§ 154.009 ANNEXED TERRITORY.

All NU, Non-Urban District territory which may hereafter be annexed to the village shall be considered as being in the R-1, Single-Family Residence District until otherwise changed by ordinance. (Ord. 770, passed 2-20-2008)

DISTRICT REGULATIONS AND STANDARDS

§ 154.020 APPLICATION.

The regulations and standards set by this chapter within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land except as hereinafter provided.

(Ord. 770, passed 2-20-2008)

§ 154.021 CONSTRUCTION AND USE.

(A) *Conformity with district regulations and standards.* No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.

(B) *Structures.* No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved:

- (1) To exceed the height;
- (2) To occupy or house a greater number of families;
- (3) To occupy a greater percentage of the lot area;
- (4) To exceed the floor area ratio;
- (5) To have smaller or less habitable floor area per dwelling unit or lodging unit; or

(6) To exceed the maximum floor area than hereinafter required or in any manner contrary to the regulations and standards of the district in which it is located.

(C) *Main structures and uses.* In no case shall there be more than one main or principal structure, or

main or principal use on one lot or tract of land.

(D) *Accessory uses and structures.* No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principal structure, except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.

(E) *Access.* No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street.

(F) *Existing structures.* Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date hereof; provided, that such structure shall be completed within one calendar year from the effective date hereof.

(G) *Application of standards and the like.* The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this chapter shall apply to all structures, uses, lots, and tracts of land created or established after the effective date hereof and shall not be deemed to require any change in the structures, uses, lots, or tracts of land lawfully existing on the effective date hereof, except as expressly specified hereinafter.

(H) *Permitted uses in districts.* The uses permitted in one district shall not be permitted in any other district unless specifically stated.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.022 OPEN SPACES.

(A) *Compliance with requirements; limited applicability.* No part of a yard, buffer strip or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this chapter shall be included as part of a yard, buffer strip or other open space, off-street parking space or loading berth, or lot area similarly required for any other structure or use.

(B) *Minimum dimensions.* No yard, buffer strip or other open space, off-street parking space or loading berth, or lot existing on the effective date hereof shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips or other open spaces, off-street parking spaces or loading berths, or lots created or established after the effective date hereof shall meet at least the minimum requirements established by this chapter.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.023 HEIGHT.

(A) *Permitted excess.* The height of any main or principal structure or accessory building may exceed the maximum permitted height by one foot for each additional foot by which the width of each

yard exceeds the minimum yard dimension for the district in which such structure is located.

(B) *Maximum height.* Unless the regulations and standards of the district in which lots are located require lower maximum heights, no structure on a lot shall exceed 125 feet in height.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.024 SETBACK LINES.

All buildings and all main or principal structures shall be positioned in conformity with the setback line regulations and standards specified hereinafter for the district in which they are located.
(Ord. 770, passed 2-20-2008)

§ 154.025 YARDS.

(A) Notwithstanding any other provisions of this chapter, the minimum yard dimensions in §§ 154.020 through 154.028 shall not be reduced except through action by the Board of Appeals or by operation of law.

(B) The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located. Yards shall be kept unobstructed for their entire depth except as specified hereinafter. Private driveways, service drives, easements, sidewalks, flag poles, arbors, trellises, fences, walls, columns, light poles, hydrants, patios, accessory signs, and other decorative recreational and utility devices and equipment may be placed in any yard.

(C) Notwithstanding any other provisions of this chapter, the following visibility regulations and standards shall apply.

(1) Fences, walls, or hedges, or combinations thereof, may be placed in any yard, provided that no fence, wall, or hedge along the sides or front edge of the front yard of an interior lot shall exceed the height herein permitted.

(a) Along the front property line and the side property lines to the building setback line: a height of four feet.

(b) From the building setback line along the side and rear property line: a fence, wall, or hedge may be placed not to exceed eight feet in height.

(2) On a corner lot, nothing shall be constructed, erected, placed, planted, or allowed to grow in such manner as to obstruct the vision of traffic approaching the corner from either direction. A fence, wall, or hedge, or combination thereof, may be placed on a corner lot beginning at the building setback line along the side and rear property line not to exceed eight feet in height.

(3) Junk yards shall have a solid fence or wall eight feet in height placed along the front of the property at the building setback line, and along the side and rear property lines to screen the property

from view. Entrance gates to the property shall also be constructed of a solid material the same height as the fence.

(Ord. 770, passed 2-20-2008)

§ 154.026 LOTS.

(A) *Minimum area.* Unless the regulations and standards of the district in which lots are located require greater lot areas, lot widths, or lot depths, the following regulations and standards shall apply to lots platted or created after the effective date hereof.

(1) A lot without a public sanitary sewer system shall not be less than 20,000 square feet in area.

(2) A lot served by a public sanitary sewer system shall be not less than 9,000 square feet in area.

(3) Notwithstanding the district regulations within the Non-Urban District, a lot may be created on which is located, on the effective date hereof, an existing dwelling, such as a tenant farm home or a farm manager's dwelling; provided, such lot shall not be less than 20,000 square feet in area and a lot of not less than 100 feet in width.

(B) *Required open spaces.* Lots hereafter platted or created shall have adequate lot area, width, and depth to provide for off-street parking spaces and loading berths, yards, buffer strips, and other open spaces required by the regulations and standards of the districts in which the lots are located.

(C) *Limitations on reduction by sale, and the like.* Lots hereafter platted or created shall not be reduced in area, width, or depth by sale, development, or subdivision so that lot area, lot width, lot depth, lot area per dwelling unit, lot area per loading unit, buffer strips, or other open spaces required are narrower or smaller than specified hereunder.

(D) *Width.* No lot hereafter platted or created shall be less than 70 feet in width.

(E) *Measurement of width.* The minimum lot width shall be measured along the front setback line.
(Ord. 770, passed 2-20-2008)

§ 154.027 GARBAGE RECEPTACLES.

Garbage receptacles of one and one-half cubic yards or more in capacity shall be concealed by a fence or wall at least six feet in height or 12 inches in height above the highest point of the garbage receptacle, whichever is higher, enclosing the receptacle on not less than four sides.

(Ord. 770, passed 2-20-2008)

§ 154.028 STORAGE SHED.

(A) *Type of structures allowed.* A storage shed may be stick-built, pre-assembled, or assembled from a kit. If assembled from a kit, the kit must be designed for the sole purpose of being used as a storage shed. The storage shed can be placed or built on a foundation of concrete, wood, sand, stone, or on the ground. It must be constructed from wood, steel, or plastic.

(B) *Types of structures not allowed.* Any container not manufactured for the sole purpose of being used as a storage shed is not allowed. Examples not allowed would be: shipping containers made of steel, wood, or any other durable material, truck boxes, semi-trailers, campers, mobile homes, walk in coolers, culverts, or any box structure originally designed to have wheels under them.

(C) *Placement.* A storage shed may be placed behind the main structure in accordance with setback regulations and standards for the district.

(D) *Fee.* A storage shed will be subject to a building permit with a minimum fee of \$10. (Ord. 770, passed 2-20-2008)

§ 154.029 EXEMPTIONS.

The following structures and uses are exempted from the application of the district regulations and standards, and are permitted in any district.

(A) *Utility fixtures and the like.* Poles, towers, wires, cables, conduits, vaults, laterals, pipe mains, valves, and any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, railroad right-of-way, water reservoir, provided that the installations shall conform where applicable with the rules and regulations of the state's Commerce Commission, the Federal Aviation Administration, and of other public authorities having jurisdiction.

(B) *Agricultural purposes.* Land used or to be used for agricultural purposes and the erection, maintenance, repair, alteration, remodeling, or extensions of buildings or structures used or to be used for agricultural purposes, except that buildings or structures used for agricultural purposes shall be required to conform to setback lines in the district where located.

(C) *Landfill.* Filling of holes, pits, lowlands, and gullies with noncombustible material other than refuse and food wastes (e.g., clean soil, sand, and gravel filling).

(D) *Golf courses.* Standard golf courses, provided that all buildings, structures, and parking spaces appurtenant thereto conform to the setback lines and yard requirements of the district in which located, and further provided that if the fairways or greens or any part thereof are illuminated for night playing, it shall be located as a special use under §§ 154.140 through 154.150.

(E) *Publicly owned buildings.* Public buildings, provided that any buildings or parking spaces shall conform to the setback lines and yard requirements of the district in which located. (Ord. 770, passed 2-20-2008)

§154.030 ACCESSORY BUILDINGS.

(A) *Maximum size.* Subject to the other limitations imposed by this section, the exterior dimensions of an accessory building:

(1) shall not exceed 1,200 square feet in area on a lot of less than 2.0 acres in area; provided, however, that a porch or covered shelter projecting from the building is permitted so long as it does not exceed 400 square feet in area.

(2) shall not exceed 2,200 square feet in area on a lot of not less than 2.0 acres in area; provided, however, that a porch or covered shelter projecting from the building is permitted so long as it does not exceed 800 square feet in area.

(3) shall not exceed 3,200 square feet in area on a lot of not less than 5.0 acres in area; provided, however, that a porch or covered shelter projecting from the building is permitted so long as it does not exceed 1,200 square feet in area.

(B) *Lot area and density.* The combined exterior dimensions at grade of the main or principal structure and accessory buildings shall not exceed 30% of the total lot size, as provided in §154.045(D)(3).

(C) *Height limitation.* No accessory building shall exceed 20 feet in height as provided in §154.046(B), regardless of the setback from the nearest right-of-way line or abutting street.

(D) *Materials.* An accessory building shall be constructed of rigid structural materials with an exterior finish or finishes of masonry, lumber, vinyl, aluminum or other conventional exterior finishing materials.

(Ord. 916, passed 5-1-2019)

RESIDENTIAL DISTRICTS**§ 154.040 DESCRIPTION.**

The residential districts include single-family dwellings, two-family dwellings, multi-family dwellings, and attached single-family dwellings.

(Ord. 770, passed 2-20-2008)

§ 154.041 R-1, SINGLE-FAMILY RESIDENCE DISTRICTS.

Permitted uses in the R-1, Single-Family Residence District are:

(A) Dwellings of the following type: single-family detached dwellings;

(B) Any structure within this district may be converted into one of the dwellings permitted in this

district, provided all requirements for such dwellings are met;

(C) Home occupations are permitted in this district. They shall be subject to the following regulations and standards.

(1) No article shall be sold or offered for sale on the premises, except such as is produced on the premises or is provided incidental to the service or profession conducted on the premises.

(2) There shall be no exterior storage of materials or equipment.

(3) There shall be no exterior indication of the home occupation other than a sign and no variation from the residential character of the dwelling.

(4) No heat, glare, noise, vibration, noxious or toxic fumes, odors, vapors, gases, or matter shall be produced at any time by a home occupation which are readily detectable without the use of instruments at any point on the boundaries of the premises.

(5) The occupation shall be conducted wholly within the principal structure.

(6) Signs in conjunction with a home occupation shall:

(a) Not be illuminated;

(b) Not extend beyond lot lines; and

(c) Not exceed two square feet in total area per lot.

(7) No person not a member of the family residing in the dwelling unit shall be employed in the home occupation.

(D) Accessory structures and uses customarily incidental to the main or principal structures are permitted in this residential district;

(E) Agriculture is permitted throughout this residential district, but not the keeping or raising of poultry or livestock, nor the spreading of raw animal waste as a soil nutrient or for any other purpose;

(F) Public, parochial, or private schools offering instruction in one or more grades from kindergarten through twelfth grade, with a special use permit;

(G) Churches or similar places of worship, parish houses, rectories, and similar uses, with a special use permit;

(H) Public libraries, public parks, playgrounds, and community centers, with a special use permit; and

(I) Hospitals, nursing homes, and medical or dental clinics, with a special use permit.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.042 R-2, TWO-FAMILY RESIDENCE DISTRICTS.

Permitted uses in the R-2, Two-Family Residence District are:

(A) Dwellings of the following types: single-family detached and two-family attached dwellings; and

(B) Any use permitted in the R-1, Single-Family Residence District.
(Ord. 770, passed 2-20-2008)

§ 154.043 R-3, MULTI-FAMILY RESIDENCE DISTRICTS.

Permitted uses in the R-3, Multi-Family Residence District are:

(A) Dwellings of the following types: single-family detached and two-family attached, multi-family dwelling structures, boarding houses, and lodging houses;

(B) Any use permitted in the R-1, Single-Family Residence District; and

(C) Any use permitted in the R-2, Two-Family Residence District.
(Ord. 770, passed 2-20-2008)

§154.044 R-4, ATTACHED SINGLE-FAMILY RESIDENCE DISTRICTS.

Permitted uses in the R-4, Attached Single Family Residence District are:

(A) Dwellings of the following types: single family detached dwellings, single family attached dwellings, and group homes; and

(B) Any use permitted in the R-1, Single Family Residence District.
(Ord. 770, passed 2-20-2008; Ord. 878, passed 5-17-2017)

§ 154.045 UNIVERSAL STANDARDS.

The following regulations and standards shall apply to all dwellings.

(A) *Occupancy.*

(1) Residential occupancy per dwelling unit shall be limited to one family and not more than two roomers or boarders.

(2) Residential occupancy per lodging unit shall be limited to one family.

(B) *Habitable floor area.* The minimum habitable floor area for a dwelling unit and per lodging unit shall be as follows:

(1) Single and two-family dwelling: 750 square feet per dwelling unit;

(2) Multi-family dwelling: 750 square feet per dwelling unit; and

(3) Boarding house, lodging house: 300 square feet per dwelling unit, 300 square feet per lodging unit.

(C) *Off-street parking space.*

(1) The minimum required number of parking spaces shall be as follows:

(a) Single and two-family dwellings: two parking spaces per dwelling unit; and

(b) Multi-family dwellings, boarding houses, and lodging houses: one and one-half parking spaces per dwelling unit and one parking space per lodging unit.

(2) All such parking spaces shall be located on the same lot or tract of land as the dwelling or building served.

(3) Such parking space for the accommodation of an automobile or light motor truck shall total at least 200 square feet exclusive of maneuvering area, and at least ten feet in width.

(4) Such parking space for the accommodation of a heavy motor truck, motor bus, or other vehicle shall be of dimensions herein specified for an off-street loading berth.

(5) Not more than one such space within a private garage or private carport shall be rented or leased to a nonresident of the premises.

(D) *Lot area and density.*

(1) Each zoning lot shall have an area of at least 9,000 square feet, a lot width of at least 70 feet, and a lot depth of at least 100 feet.

(2) The number of dwelling units per lot shall not exceed the lot area in square feet divided by 7,500 square feet; provided, however, that in the R-3, Multi-Family Residence District, the number of dwelling units per lot shall not exceed the lot area in square feet divided by 5,000 square feet. Fractional dwelling units resulting from this computation shall not be counted or rounded upward to the next higher whole number.

(3) The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 30%.

(Ord. 770, passed 2-20-2008)

§ 154.046 HEIGHT LIMITATIONS.

Except as provided in § 154.023:

(A) No main or principal structure shall exceed 35 feet in height, except that multi-family dwellings shall be permitted to a height not to exceed two stories; and

(B) No detached accessory structure shall exceed 20 feet in height.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.047 SETBACK LINES.

The following setback line regulations and standards shall apply to all main or principal structures and all detached accessory structures, except such as are permitted in yards as provided in § 154.025(B)(2) hereof.

(A) The minimum setback line shall be 25 feet from the nearest right-of-way line or 55 feet from the centerline of the abutting street, whichever is greater.

(B) Where 25% or more of the lots within a block were occupied by main or principal structures prior to the effective date hereof, the average of the setback lines of such structures shall be the minimum setback line of the remaining vacant lots within such block, except where the public health, safety, comfort, morals, or welfare are endangered.

(C) Where the lot abuts a storm or floodwater runoff channel or basin, the minimum setback line shall be 50 feet from the nearest shore line or high water line.
(Ord. 770, passed 2-20-2008)

§154.048 YARDS.

On every lot a front yard, a rear yard, and two side yards are required, and the dimensions of which shall be equal to or greater than the following:

(A) Front yard depth: 25 feet, unless the building is constructed in an established block front, in which case, the front yard depth shall be the average of the front yard depths of the two buildings on either side. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot. No accessory building shall project into the required front yard space. An accessory building constructed on a lot of 2.0 acres or more in area may not be erected closer than 100 feet from the front lot line.

(B) Side yard width: seven feet, except that a 20-foot side yard shall be required in the R-3, Multi-Family Residence District for side yards adjacent to any other residential district. No accessory building shall project into the required side yard space. An accessory building constructed on a lot of 2.0 acres or more in area may not be erected closer than 40 feet from the side lot lines. Notwithstanding the foregoing, no side yard shall be required between attached buildings in the R-4, Attached Single-Family Residence District; and

(C) Rear yard depth: 25 feet. Accessory buildings may be erected in a rear yard, provided they are located at least three feet from the rear or side lot lines, and provided further, that the maximum lot coverage is not exceeded. Notwithstanding the foregoing, an accessory building constructed on a lot of 2.0 acres or more in area may not be erected closer than 40 feet from the rear lot line.
(Ord. 916, passed 5-1-2019)
Penalty, see §10.99

COMMERCIAL DISTRICTS

§ 154.060 DESCRIPTION.

The commercial districts include B-1, Light Commercial District and B-2, General Commercial District.
(Ord. 770, passed 2-20-2008)

§ 154.061 B-1, LIGHT COMMERCIAL DISTRICTS.

Permitted uses in the B-1, Light Commercial District are:

(A) Those uses permitted in the R-1 and R-2 Residential Districts, subject to the yard requirements of those residential districts;

(B) Retail stores and shops;

(C) Banks, post offices, medical or dental clinics, and business or professional offices;

(D) Service-type business such as barber shop, beauty shop, laundromat, music, dancing, art or photography studio, servicing or repair of home appliances, and similar uses; and

(E) Customary accessory uses located on the same or adjacent lot with a permitted use. Signs advertising a business, service, or product available on the premises shall be permitted, provided the total area of such signs shall not be more than 50 square feet.
(Ord. 770, passed 2-20-2008)

§ 154.062 B-2, GENERAL COMMERCIAL DISTRICTS.

Permitted uses in the B-2, General Commercial District are:

(A) Those uses permitted in the R-1 and R-2, Residential Districts and in the B-1, Commercial District, subject to the yard requirements of those districts;

(B) Retail stores and shops;

(C) Banks, post offices, medical or dental clinics, and business or professional offices;

(D) Service-type business such as barber shop, beauty shop, laundromat, music, dancing, art or photography studio, servicing or repair of home appliances or farm equipment, and similar uses;

(E) Automobile service stations and public garages, new or used car sale areas, new or used farm equipment sales area, but not including the storage of wrecked vehicles or farm equipment;

(F) Hotel, motel, boarding or lodging houses, and dwelling units located on the same lot with a permitted use;

(G) Clubs, lodges, and public meeting halls, theaters, bowling alleys, and similar places of assembly or recreation;

(H) Customary accessory uses located on the same or adjacent lot with a permitted use. Signs advertising a business, service, or product available on the premises shall be permitted, provided the total area of such signs shall not be more than 50 square feet; and

(I) Machine shop for the fabrication and repair of equipment incidental to a permitted use.
(Ord. 770, passed 2-20-2008)

§ 154.063 PERFORMANCE STANDARDS.

The following performance standards shall apply in the commercial district.

(A) *Vibrations, heat, or glare.* No commercial establishment shall be allowed which produces vibrations, heat, or glare readily detectable by normal human senses without the use of instrument at the lot lines of each establishment.

(B) *Toxic or noxious matter, odors, vapors, or gases.* No use shall discharge across the lot lines wherein it is located, toxic or noxious matter, odors, vapors, or gases in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

(C) *Flammable or explosive hazards.*

(1) The use of solid materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage and use of solid materials or products ranging from free or active burning to intense burning is permitted, provided said materials or products shall be stored and used within completely enclosed buildings having incombustible exterior walls and protected throughout by an effective automatic fire extinguishing system.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

154.064 SIGNS.

(A) No part of roof-mounted signs shall be higher than 50 feet above average curb level.

(B) The gross area of signs per establishment shall not exceed 100 square feet.

(C) No sign affixed to a structure shall project more than three feet beyond the limits of such structure and shall not project across lot lines.

(D) The dimension limitations for double-faced signs shall be determined by measuring one face, but not both faces, and by measuring the larger of the two faces if one face is larger than the other.

(E) No flashing electric sign is permitted.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.065 OFF-STREET PARKING.

Off-street parking spaces for B-1, Light Commercial District establishments shall be provided as follows.

(A) All such parking spaces shall be located on the same lot or tract of land as the establishment served.

(B) The number of such parking spaces shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such parking spaces for one such establishment shall not be considered as providing the number of such parking spaces for any other establishment.

(C) Such parking space for the accommodation of an automobile or a light motor truck shall total at least 300 square feet including both parking and maneuvering area.

(D) Such parking space for the accommodation of a heavy motor truck, motor bus, or other shall be of dimensions herein specified for an off-street loading berth.

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(E) No such parking spaces shall be located less than 20 feet from any front curb line or four feet from any sidewalk, or, if there is no sidewalk or curb on the front of the property, then no such parking spaces shall be located less than five feet from any front lot line.

(F) No such parking spaces shall be located less than five feet from any side or rear lot line.

(G) Schedule of off-street spaces:

<i>Location</i>	<i>Spaces Required</i>
Animal hospitals, clinics, and offices of physicians and dentists.	One parking space for each employee, plus five parking spaces for each staff or visiting physician.
Hotel, motel, tourist home, private club, and all other similar places offering overnight accommodations.	One parking space for the manager, plus one parking space for each accommodation.
Mortuaries, undertaking, and funeral parlors.	One parking space for each five seats or portion thereof in the chapel or parlor, plus one parking space for each vehicle maintained on the premises.
Places of public assembly including private clubs, lodges, fraternal organizations not providing overnight accommodations, town halls, auditoriums, skating rinks, dance halls, bowling alleys, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, fair grounds, community buildings, public administration buildings, and other similar places of relatively infrequent public assembly.	One parking space for each five seats provided for patron use, or at least one parking space for each 200 square feet of floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greater number of parking spaces.
Retail establishments for the sale of food or beverages to be consumed on the premises.	One parking space for every 100 square feet of floor area or portion thereof.
Retail establishments other than specified above (e.g., banks, business, financial, and professional buildings).	One parking space for every 200 square feet of floor area or portion thereof.

(H) All such parking spaces shall be surfaced with all-weather, dustless material.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.066 OFF-STREET LOADING BERTHS.

Off-street loading berths for B-2, General Commercial District establishments shall be provided as follows.

(A) All such berths shall be located on the same lot or tract of land as the establishments served, except when serving adjacent establishments when the loading berth requirement is sufficient to serve both establishments.

(B) No such berth shall be located less than 50 feet from the building restriction line of a dwelling or residential building, unless such berth is screened from public view by a fence, wall, or hedge at least 75% solid and at least eight feet in height.

(C) No such berth shall be located within 50 feet from the nearest point of intersection of two streets.

(D) All such berths shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.

(E) All such berths shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather, dustless material.

(F) (1) Schedule of off-street loading berths.

<i>Floor Area of Establishment in Square Feet</i>	<i>Minimum Required Number and Size of Loading Berths</i>
1 - 9,999	1 (12 x 40 feet)
10,000 - 24,999	2 (10 x 40 feet)
25,000 - 39,999	2 (10 x 70 feet)
40,000 - 99,999	3 (10 x 70 feet)
100,000 - 249,999	4 (10 x 70 feet)

(2) For each additional 200,000 square feet or portion thereof of floor area, one additional berth shall be provided to be at least ten by 70 feet in dimensions.

(G) All such berths shall have a vertical clearance of at least 14 feet.

(H) No vehicle repair or service work shall be performed in any such berth, excepting emergency repair or service work requiring less than four hours to complete.

(I) No such berth shall be located less than ten feet from any front lot line.

(J) No such berth shall be located less than five feet from any side or rear lot line.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.067 BUFFER STRIP.

Where a lot on which a commercial establishment shall be located abuts or adjoins any other district except an industrial district, a buffer strip of land not less than 30 feet in width shall be provided and:

(A) Shall be located on such lot on the side of such lot abutting any other district;

(B) Shall be parallel to the lot lines of such lot facing any other district;

(C) Shall be maintained with a screen planting at least six feet in height, except where such buffer strip parallels the front lot line of such lot, in which case, such screen planting shall not be required;

(D) Shall not be used for parking, loading, or unloading;

(E) Shall not be included in any side or rear yard dimension;

(F) May coincide with the front 30 feet of the front yard; and

(G) May be crossed by sidewalks, easements, access ways, and service drives not more than 35 feet in width.

(Ord. 770, passed 2-20-2008)

§ 154.068 FLOOR AREA RATIO.

The following regulations and standards shall apply when computing the floor area ratio of a commercial building.

(A) Cellars may be excluded from such computations.

(B) The minimum floor area ratios as herein specified shall not apply to outdoor commercial recreation uses nor to commercial parking lots.

(C) For a commercial building the minimum floor area ratio shall be 0.2 and the maximum floor area ratio shall be 1.2.

(Ord. 770, passed 2-20-2008)

§ 154.069 HEIGHT.

Except as provided in § 154.023:

(A) No main or principal structure shall exceed 35 feet in height; and

(B) No detached accessory structure shall exceed 20 feet in height.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.070 YARDS.

On every lot in any commercial district, yards shall be required as follows:

(A) Front yard: none required in a B-2 district, except that gasoline pumps or similar fuel-dispensing equipment shall be at least ten feet from the front property line. Twenty five feet is required in a B-1 district;

(B) Side yards: none required in a B-2 district. Seven feet is required in a B-1 district; and

(C) Rear yard: one required, at least 20 feet in depth.
(Ord. 770, passed 2-20-2008)

INDUSTRIAL DISTRICTS

§ 154.085 DESCRIPTION.

The M, Industrial District embraces all types of industrial uses including both light and heavy industry and related operations.
(Ord. 770, passed 2-20-2008)

§ 154.086 PERMITTED USES.

Permitted uses in the M, Industrial District are:

(A) Those uses permitted in the R-1 and R-2, Residential and the B-1 and B-2, Commercial Districts, subject to the standards and regulations applicable to those districts;

(B) Grain storage, feed mills, fertilizer storage, and processing, but not including liquid or gaseous fertilizer storage or processing in quantities exceeding 100 gallons or 50 cubic feet, whichever is less;

(C) Wholesale, storage, and warehouse facilities, except those specifically prohibited;

(D) Railroad yards, siding and switching facilities, and public utilities;

(E) Fuel storage, building material storage yard, or similar storage yards, but not including salvage or junk yards, and not including the above ground storage of petroleum products in quantities greater than 1,000 gallons;

(F) Agriculture;

(G) The manufacture or processing of goods or products;

(H) Customary accessory uses;

(I) Sanitary landfills; and

(J) Adult oriented business, except where prohibited.
(Ord. 770, passed 2-20-2008)

§ 154.087 SIGNS.

The following regulations as to signs shall apply in the M, Industrial District.

(A) The top of roof-mounted signs shall not be higher than ten feet from roof level.

(B) The gross area of signs per lot shall not exceed 50 square feet each and 100 square feet in the aggregate.

(C) No sign affixed to a structure shall project more than five feet beyond the limits of such structure and shall not project across lot lines.

(D) No flashing electric sign is permitted.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.088 BUFFER STRIP.

Where a lot on which an industrial use shall be located abuts or adjoins any residential district, a buffer strip of not less than 40 feet in width shall be provided and:

(A) Shall be located on such lot on the side thereof abutting the zoning district boundary;

(B) Shall be parallel to the lot line of such lot facing the other zoning district;

(C) Shall be maintained with a screen planting at least eight feet in height, except where such buffer strip parallels the front lot line of such lot, in which case such screen planting shall not be required;

(D) Shall not be used for parking, loading, or unloading;

(E) Shall not be included in any side or rear yard dimension;

(F) May coincide with the front 40 feet of the front yard; and

(G) May be crossed by sidewalks, easements, access ways, and service drives not more than 35 feet in width.

(Ord. 770, passed 2-20-2008)

§ 154.089 OFF-STREET PARKING.

Off-street parking spaces for industrial uses shall be provided as follows.

(A) One such space shall be provided for each two employees, based upon the maximum number of persons employed during one work period during the day or night, plus one such space for each vehicle used in the conduct of such use.

(B) Such space for the accommodation of an automobile or light motor truck shall total at least 300 square feet, including both parking and maneuvering areas.

(C) Such space for the accommodation of a heavy motor truck, motor bus, or other vehicle shall be of dimensions herein specified for an off-street loading berth.

(D) All such spaces shall be surfaced with all-weather, dustless material.

(E) No such space shall be located less than 20 feet from any front curb line or ten feet from a sidewalk.

(F) No such space shall be located less than five feet from any side or rear lot line.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.090 OFF-STREET LOADING BERTHS.

Off-street loading berths for industrial uses shall be provided as follows.

(A) All such berths shall be located on the same lot as the industrial use served.

(B) No such berth shall be located less than 100 feet from the building restriction line of a dwelling or residential building unless such is screened from public view by a fence, wall, or hedge at least 75% solid and at least six feet in height.

(C) No such berth shall be located less than 50 feet from the nearest point of intersection of two streets.

(D) All such berths shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather, dustless material.

(E) All such berths shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.

(F) (1) Schedule of off-street loading berths:

<i>Floor Area of Building in Square Feet</i>	<i>Minimum Required Number and Size of Loading Berths</i>
1,000 - 9,999	1 (12 x 40 feet)

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10,000 - 24,999	2 (10 x 40 feet)
25,000 - 39,999	2 (10 x 70 feet)
40,000 - 99,999	3 (10 x 70 feet)
100,000 - 249,999	4 (10 x 70 feet)

(2) For each additional 200,000 square feet or portion thereof of floor area, one additional such berth shall be provided to be at least ten by 70 feet in dimensions.

(G) All such berths shall have a vertical clearance of at least 14 feet.

(H) No vehicle repair or service work shall be performed on any such berth, excepting emergency repair or service work requiring less than four hours to complete.

(I) No such berth shall be located less than ten feet from any front lot line nor less than five feet from any side or rear lot line.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.091 YARDS.

On every lot in the industrial district, yards shall be required as follows:

(A) Front yard: 25 feet from the front property line;

(B) Side yards: seven feet; and

(C) Rear yard: 20 feet.

(Ord. 770, passed 2-20-2008)

§ 154.092 ADULT ORIENTED BUSINESSES.

(A) Adult entertainment facilities (as defined in Chapter 112 and in 65 ILCS 5/11-5-1.5) are prohibited from locating within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of worship.

(B) Adult oriented businesses are prohibited within 1,000 feet of any residential or non-urban district.

(C) Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within 1,000 feet of another adult oriented business.

(D) Adult oriented businesses are prohibited from operating, establishing, locating, or maintaining more than one adult oriented business in the same building, structure, or portion thereof.

(E) For the purpose of divisions (A) and (B) above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of a use listed above. Presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(F) For the purposes of division (C) above, the distance between any two adult oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(G) An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult oriented business license, of a use listed in division (C) above within 1,000 feet of the adult oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

(H) All adult oriented businesses shall comply with the following sign requirements.

(1) All signs shall be permanent, flat wall signs attached to the exterior walls of the premises only.

(2) The amount of allowable sign area shall not exceed ten feet by ten feet.

(3) No sign shall be equipped with lighting mechanisms capable of flashing.

(4) No merchandise or pictures of the products or entertainment on the premises shall be displayed on any sign or in any window areas, or any area where they can be viewed from the sidewalk in front of the building. A two square foot sign shall be placed on the entrance to the premises stating the hours of operation of the adult oriented business and admittance to adults only.

(Ord. 770, passed 2-20-2008)

NON-URBAN DISTRICTS

§ 154.105 PURPOSE.

The purpose of this district is to provide for agricultural activities, for protection of natural resources, and to provide for rural residences.

(Ord. 770, passed 2-20-2008)

§ 154.106 PERMITTED USES.

Permitted uses in the NU, Non-Urban District are:

- (A) Agricultural purposes, as defined in § 154.029(B);
- (B) Roadside stands for the display and sale of farm products raised or grown on the premises;
- (C) Greenhouse or nursery;
- (D) Park, playground, or forest preserve;
- (E) R-1, Single-Family Residence; and
- (F) Home occupation.

(Ord. 770, passed 2-20-2008)

§ 154.107 HEIGHT AND AREA.

The height and area requirements for the specific uses shall be observed.

(Ord. 770, passed 2-20-2008)

§ 154.108 PARKING.

The parking requirements for the specific uses shall be observed.

(Ord. 770, passed 2-20-2008)

NONCONFORMITIES

§ 154.120 DESCRIPTION.

Within the districts established by this chapter, or by amendments that may later be adopted, there may exist lots, premises, structures, and uses which were lawful before this chapter or any amendment thereto was effective, but which would be prohibited, regulated, or restricted under the provisions of this chapter or future amendment. These are commonly known as nonconforming uses, structures, and the like, and are herein referred to under the general term nonconformities.

(Ord. 770, passed 2-20-2008)

§ 154.121 INTENT.

Under the law, nonconformities are permitted to be continued, subject to certain conditions and restrictions. It is the intent of this chapter to permit these nonconformities to continue until they are

removed (except as otherwise herein provided), but not to encourage their survival. Such nonconformities are declared by this subchapter to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this chapter that such nonconformities shall not be enlarged upon, expanded, or extended except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district. (Ord. 770, passed 2-20-2008)

§ 154.122 RULES.

(A) A nonconforming use of land, premises, or structures shall not be enlarged upon, expanded, or extended after the effective date hereof by the attachment of a structure, premises or land, of additional signs intended to be seen off the premises or land, or by the addition of other uses of a nature which would be prohibited in the district involved.

(B) A nonconforming use or a nonconforming structure which is nonconforming only because of failure to provide required off-street parking spaces, loading berths, or setbacks shall have all the rights of a conforming use or structure. (Ord. 770, passed 2-20-2008)

§ 154.123 NONCONFORMING LOTS OF RECORD.

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building may be erected on any lot which is a lot of record on the effective date thereof. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involved area or width, or both, of the lots shall conform to the regulations hereinafter provided.

(B) (1) Yard regulations and standards for single nonconforming lots of record:

(a) *Front yard.* The front yard regulations and standards of the district in which such lot is located shall apply.

(b) *Rear yard.* The rear yard regulations and standards of the district in which such lot is located shall apply.

(c) *Side yard.* On such lot with a width of 50 feet or more, two side yards shall be provided as required by the regulations and standards of the district in which such lot is located.

(2) On such lot less than 50 feet but not less than 27 feet in width, two side yards shall be provided, each equaling 10% of the lot width.

(3) On such lot less than 27 feet but not less than 20 feet in width, the structure located on such lot shall have a width of not more than 90% of such lot width. Only one side yard need be provided,

equaling in width the difference between the lot width and the maximum permitted width of the structure. No other side yard need be provided.

(4) The wall of any building facing the side of the lot on which no side yard is required shall be without openings and shall not be constructed as a common wall.

(Ord. 770, passed 2-20-2008)

§ 154.124 NONCONFORMING USES OF LAND.

Where, on the effective date hereof or amendment of this chapter, a lawful use of land exists that is no longer permissible under the regulations and standards of this chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions.

(A) No such nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter.

(B) No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this chapter.

(C) If any such nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, any subsequent use of such land shall conform to the regulations and standards set by this chapter for the district in which such land is located.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.125 NONCONFORMING STRUCTURES.

Where, on the effective date hereof or amendment hereto, a lawful structure exists that could not be built under the regulations and standards of this chapter as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, height, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions.

(A) No such structure may be enlarged or altered in a way which increases its nonconformity.

(B) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(C) Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.126 NONCONFORMING TRAILER COACHES.

Where, on the effective date of adoption or an amendment of this chapter, a lawful trailer coach exists on a residential lot which could not exist there under the regulations and standards of this chapter as adopted or amended, such trailer coach may continue to exist on such a lot as long as it remains lawful subject to the following provisions.

(A) Such nonconforming trailer coaches must be removed on the sale, lease, bequest, devise, inheritance, or legacy of the property.

(B) Should such trailer coach be destroyed by any means to an extent of more than 50% of its replacement cost at the time of its destruction, it shall not be replaced except in conformity with the provisions of this chapter.

(Ord. 770, passed 2-20-2008)

§ 154.127 NONCONFORMING USES OF STRUCTURES.

Where, on the effective date of adoption or amendment of this chapter, a lawful use of a structure or of a premises exists that is no longer permissible under the regulations and standards of this chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such structure to a use permitted in the district in which it is located.

(B) Any nonconforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this chapter, but no such use shall be extended to occupy land outside of such structure.

(C) If no structural alterations are made, any nonconforming use of a structure or of any premises may be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(D) Any structure, or any premises, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such structure or premises is located, and the nonconforming use shall not be resumed.

(E) When a nonconforming use of a building or structure, or of a premises, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure or the premises shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.

(F) Where nonconforming use status applied to a premises, removal or destruction of the structure

shall eliminate the nonconforming use status of the land, except as it may qualify as a nonconforming lot of record.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.128 NONCONFORMING SIGNS.

Where, on the effective date of adoption or amendment of this chapter, a lawful sign exists that could not be located under the regulations and standards of this chapter as adopted or amended, by reasons of restrictions on location, sign area, height, or other characteristics, such sign may be continued so long as it remains otherwise lawful subject, however, to the following limitations and provisions.

(A) No such sign may be enlarged or altered which increases its nonconformity, but the substitution or interchange of poster panels or painted boards shall be permitted.

(B) Should such sign be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this chapter.

(C) Should such sign be moved for any reason for any distance whatever, it shall hereafter conform to the regulations and standards for the district in which it is located after it is moved.

(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.129 REPAIRS AND MAINTENANCE.

On any structure devoted in whole or in part to any nonconforming use or which itself is nonconforming, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not to exceed 10% of the then current replacement value of the structure; provided, that the volume of such building or the size of such structure as it existed at the effective date of adoption or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 770, passed 2-20-2008)

SPECIAL USES

§ 154.140 DESCRIPTION.

A *SPECIAL USE* is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein.

(Ord. 770, passed 2-20-2008)

§ 154.141 PURPOSE.

It is hereby declared the policy and purpose of this chapter to employ the special use as a flexible means of permitting certain exceptions to the districts established, and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety, and welfare and individual property rights.

(Ord. 770, passed 2-20-2008)

§ 154.142 AUTHORIZING SPECIAL USE PERMITS.

Special use permits may be granted by the Village Board by ordinance in a specific case, and after a public hearing before the Plan Commission in accordance with the procedure hereinafter set forth when it appears:

(A) It is reasonably necessary for the public convenience at that location;

(B) It is so designed, located, and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare;

(C) It conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located; and

(D) In the case of an existing nonconforming use, will make such use more compatible with its surroundings.

(Ord. 770, passed 2-20-2008)

§ 154.143 SCHEDULE OF SPECIAL USES.

Special uses which may be authorized by the Village Board are as follows:

(A) Cemeteries in residential districts;

(B) Churches and places of public worship, convents, monasteries, and rectories in all districts except the industrial district;

(C) Clubs, private clubs, private lodges, and country clubs in the residential districts;

(D) Commercial establishments in the residential districts supplying the everyday needs and services of the residents of the surrounding area, subject to the regulations specified in this chapter;

(E) Electric substations, filtration plants, pumping stations, telephone exchanges, police stations,

fire stations, and governmental administration buildings in all districts;

(F) Hospitals, nursing or convalescent homes in the residential districts;

(G) Schools in any district; and

(H) Sewage treatment plants in the industrial and commercial districts.

(Ord. 770, passed 2-20-2008)

§ 154.144 APPLICABILITY.

In addition to any special conditions or restrictions prescribed by the Village Board, the yard and setback line regulations and standards of the district in which the special use is located shall apply.

(Ord. 770, passed 2-20-2008)

§ 154.145 SPECIAL REGULATIONS FOR COMMERCIAL ESTABLISHMENTS.

The following specific regulations and standards shall apply to the commercial establishments in residential districts, classified as special uses herein.

(A) *Business.*

(1) All businesses shall be conducted within an enclosed building, except for off-street parking, loading, and unloading, and except for those businesses serving agriculture, located in an agriculture district, which are normally carried on in the open.

(2) Establishments of the drive-in type offering goods and services directly to customers waiting in parked vehicles shall not be permitted.

(B) *Performance standards, nuisances, and hazards.*

(1) No use shall emit vibrations, heat, or glare which are readily detectable by normal human senses without the use of instruments at the lot lines.

(2) No use shall discharge across the lot lines wherein it is located, toxic or noxious matter, odors, vapors, or gases in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property, business, crops, or livestock.

(C) *Signs.* Signs in connection with a commercial establishment shall:

(1) Not be illuminated;

(2) Not extend beyond lot lines; and

- (3) Not exceed an area of 25 square feet.

(D) *Landscaping.* Commercial establishments in a residential district shall maintain the following landscape standards.

- (1) All open, unpaved, uncovered, and unsheltered yards, and all other open spaces shall be planted with trees at least two inches in diameter, measured at a point five feet above the ground surface. A tree-planting ratio of at least one such tree for every 2,000 square feet of lot area shall be maintained.

- (2) All parking lots and carports, with a capacity of six or more vehicles, visible from the front line of the front yard of the lot on which such parking lots and carports are located, shall be screened from public view with a fence, wall, or hedge at least 50% solid and at least two and one-half feet but not more than four feet in height.

(E) *Off-street parking spaces.* Off-street parking spaces for commercial establishments shall be provided as follows.

- (1) All such parking spaces shall be located on the same lot or tract of land as the establishment served.

- (2) The number of such parking spaces required shall be the sum of the individual requirements of the various individual establishments, computed separately in accordance with this section. Such parking spaces for one such establishment shall not be considered as providing the number of such parking spaces for any other establishment.

- (3) Such parking space for the accommodation of an automobile or a light motor truck shall be at least 300 square feet, including both maneuvering and parking area.

- (4) Such parking space for the accommodation of a heavy motor truck, motor bus, or other vehicle shall be of dimensions herein specified for an off-street loading berth.

- (5) All such parking space in a residential district shall be surfaced with some all-weather, dustless material.

- (6) No such parking space shall be located less than ten feet from any front lot line.

- (7) No such parking space shall be located less than five feet from any side or rear lot line.

- (8) Schedule of off-street parking spaces:

- (a) Clinics and offices of physicians shall provide three such parking spaces for each staff or visiting physician plus one such parking space for each other employee.

- (b) Business, professional, financial, and office buildings shall provide one such parking space for every 100 square feet of floor area.

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(c) Retail stores shall provide one such parking space for every 100 square feet of floor area.

(d) Farm businesses shall provide one such parking space for each employee not being on the premises.

(F) *Off-street loading berths.* Off-street loading berths for commercial establishments shall be provided as follows.

(1) All such loading berths shall be located on the same lot or tract of land as the establishment served, except when serving adjacent establishments when the loading berth requirements are sufficient to serve both such establishments.

(2) No such loading berth in a residential district shall be located less than 50 feet from the building restriction line of a dwelling or residential building, unless such loading berth is screened from view by a fence, wall, or hedge at least 75% solid and at least six feet in height.

(3) No such loading berth shall be located within 50 feet from the nearest point of intersection of two streets.

(4) Such loading berth shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.

(5) Such loading berth in a residential district shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather, dustless material.

(6) No such loading berth shall be located less than ten feet from any front lot line.

(7) No such loading berth shall be located less than five feet from any side or rear lot line.

(8) No vehicle repair or service work shall be performed on any such loading berth located in a residential district.

(9) All such loading berths shall have a vertical clearance of at least 14 feet.
(Ord. 770, passed 2-20-2008) Penalty, see § 10.99

§ 154.146 APPLICATION.

(A) An application for one of the special uses of land specified above may be made by filing a written application or petition to the Village Board in the office of the Village Clerk. Such application shall:

(1) State the name and address of the applicant (and the name and address of the owner of record, if applicant is not such owner);

(2) State the location of the property for which the special use is sought;

(3) Request the specific special use desired; and

(4) State facts sufficient to demonstrate that the conditions prescribed in § 154.142 exist, and support such statements with any plans and data necessary for a proper understanding of the application of such plans and data as are recommended by the Building Official or the Village Board.

(B) The original copy of such application or petition shall be retained by the Village Clerk and a duplicate copy shall be transmitted to the Building Official and the Village Attorney.
(Ord. 770, passed 2-20-2008)

§ 154.147 HEARING DATE AND NOTICE OF PUBLIC HEARING.

(A) If the application for special use is in proper form, the Village Clerk shall arrange a hearing date for the application and shall cause a notice of the time and place of such public hearing to be published in a newspaper of general circulation in the village not less than 15 days, nor more than 30 days, prior to the date of hearing. Such notice shall contain the particular location for which the special use is requested as well as a brief statement describing the special use.

(B) If the application is not in proper form, the Village Clerk shall notify the applicant in writing and send a copy of such communication to the Building Official and Village Attorney, and no hearing shall be set nor notice published until a proper application is filed.
(Ord. 770, passed 2-20-2008)

§ 154.148 HEARING BY PLAN COMMISSION ON SPECIAL USE.

(A) A public hearing on the application for special use shall be conducted by the Plan Commission on the date set in accordance with its general rules for meetings and public hearings.

(B) After the hearing, the Plan Commission shall make a report of its findings to the Village Board, and in said report shall indicate its approval or disapproval of the special use applied for. Every report shall contain a finding of fact specifying the reason for the Zoning Board's recommendations or approval or disapproval. Such report may also recommend that special conditions and safeguards for the protection of the public health, safety, and welfare be imposed by the Village Board if it grants the application for special use.
(Ord. 770, passed 2-20-2008)

§ 154.149 ACTION OF THE VILLAGE BOARD.

(A) Upon the report of the Plan Commission, the Village Board may, by ordinance, without further public hearing, grant the application or petition for the special use or it may refer the application back to the Plan Commission for further consideration.

(B) An ordinance granting an application for special use may be adopted by the majority vote of the Village Board regardless of the recommendation of the Plan Commission, except in those cases where a written protest against the granting of such special use is filed with the Village Clerk, signed and acknowledged by the owners of 50% of the frontage immediately adjoining, across an alley therefrom, or directly opposite the frontage for which the special use is sought. In these cases, a two-thirds vote of the members of the Village Board present and voting at a meeting at which a quorum is present shall be required. A written protest shall be filed in the office of the Village Clerk at least five days before the Village Board meeting next following the Plan Commission hearing. The Village Clerk shall forward the same to the President of the Village Board and the Village Attorney.

(C) Every ordinance granting an application for special use shall contain a finding of fact specifying the reason for granting same, and shall specify any special conditions or safeguards for the protection of the public health, safety, and welfare that the Village Board may impose.
(Ord. 770, passed 2-20-2008)

§ 154.150 IMPLEMENTATION.

If a special use that has been granted is not implemented within one year from the date of enactment by application for, and issuance of, a permit according to plans as presented and approved, that special use shall be rescinded and the land area involved shall revert to the zoning use that existed at the time of the grant of said special use. A special use about to expire may be extended for a year by application for renewal through the same process as required for the initial grant of such use.
(Ord. 770, passed 2-20-2008)

VARIANCES

§ 154.165 DESCRIPTION.

A variance may be granted in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations herein relating to the use, construction, or alteration of buildings or structures or the use of land.
(Ord. 770, passed 2-20-2008)

§ 154.166 PURPOSE.

Such variance in the application of the regulations must be in harmony with the general purpose and intent of this chapter and the regulations and standards adopted herein, and in accordance with the general and specific rules and standards hereinafter set forth in regard to the granting of such variances.
(Ord. 770, passed 2-20-2008)

§ 154.167 RULES AND STANDARDS.

(A) The Board of Appeals may grant a variance in a specific case and after a public hearing in accordance with the procedure hereinafter set forth when it appears:

(1) Special conditions and circumstances exist which are not applicable to other lands or structures in the same district;

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this chapter;

(3) The special conditions and circumstances do not result from the actions of the applicant;

(4) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.

(B) No nonconforming use of neighboring lands or structures in the same district, and no permitted use of lands or structures in other districts, shall be considered grounds for the issuance of a variance. (Ord. 770, passed 2-20-2008)

§ 154.168 LIMITATION IN GRANTING VARIANCES.

When it appears that the conditions set forth in § 154.167 have been satisfied, the Board of Appeals shall not grant a variance, except in the following instances:

(A) To permit any yard, court, buffer strip, setback line, or spacing between buildings of less dimension than required by the applicable regulations;

(B) To permit a reduction in the minimum or an increase in the maximum floor area ratio imposed by the applicable regulations;

(C) To permit any structure to exceed the height limitations imposed by the applicable regulations;

(D) To permit greater coverage than required by the applicable regulations;

(E) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot;

(F) To permit a reduction in the minimum habitable floor area of a dwelling unit or a lodging unit;

(G) To permit a reduction in the minimum or an increase in the maximum floor area of a building as imposed by the applicable regulations;

(H) To permit a reduction in the number of off-street parking spaces or loading berths required about or in connection with a use;

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(I) To permit the reconstruction of a nonconforming structure which has been destroyed or damaged to an extent of more than 50% of its value by fire, an act of God or the public enemy, where the Board of Appeals shall find some compelling necessity requiring a continuance of the nonconforming structure; and

(J) To permit in a residential district the creating of new lots having areas less than the minimum specified for the district, where such new lots conform with the size of lots directly across the street from and immediately adjacent on either side to the tract being subdivided; provided, that the tract is located in an area which has been partially subdivided prior to the enactment of this chapter, it being the purpose of this variance to allow the logical completion of a subdivision plan already in progress, and not to permit the extension of small lot sizes to surrounding lands.

(Ord. 770, passed 2-20-2008)

§ 154.169 APPLICATION.

(A) Variances in the application of the zoning regulations and standards adopted herein may be applied for by filing a written application or petition to the Board of Appeals in the office of the Village Clerk. Such application shall:

(1) State the name and address of the applicant;

(2) State the location of the property for which the variance is sought;

(3) State facts which the applicant believes bring him or her within the requirements set forth in § 154.167; and

(4) Request a variance restricted to one or more of the situations described in § 154.168.

(B) The original copy of such application shall be retained by the Village Clerk. Duplicate copies shall be transmitted by the Village Clerk to the Chairperson of the Board of Appeals and Village Attorney.

(Ord. 770, passed 2-20-2008)

§ 154.170 HEARING DATE AND NOTICE OF PUBLIC HEARING.

(A) If the application for variance is in proper form, the Village Clerk shall arrange a hearing date for the application and shall cause a notice of the time and place of such public hearing to be published in a newspaper of general circulation in the village not less than 15 days, nor more than 30 days, prior to the date of hearing. Such notice shall contain the particular location for which the variance is requested as well as a brief statement of what the proposed variance consists.

(B) If the application is not in proper form, the Village Clerk shall notify the applicant in writing and send a copy of such communication to the Chairperson of the Board of Appeals and Village Attorney, and no hearing shall be set nor notice published until a proper application is filed.

(Ord. 770, passed 2-20-2008)

§ 154.171 HEARING BY BOARD OF APPEALS ON VARIANCE.

A public hearing on the application for variance shall be conducted by the Board of Appeals on the date set in accordance with its general rules for meetings, and such hearing may be continued from time to time as required.

(Ord. 770, passed 2-20-2008)

§ 154.172 VOTE OF THE BOARD OF APPEALS.

(A) The Board of Appeals may vote to approve the proposed variance or it may require further consideration and public hearings.

(B) Every granting of a variance shall contain findings of fact specifying the reason for making such variation.

(Ord. 770, passed 2-20-2008)

ADMINISTRATION

§ 154.185 BUILDING OFFICIAL.

(A) The Building Official is hereby authorized and directed to enforce all the provisions of this chapter. The Building Official shall be appointed by the Village Board. The Building Official shall have the power to:

(1) Issue building permits;

(2) Grant certificates of occupancy permits;

(3) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this chapter; and

(4) Perform such other further functions necessary and proper to enforce and administer the provisions of this chapter.

(B) (1) No building or structure within the village or its extra-territorial jurisdiction shall hereafter be erected, moved, altered, or razed, nor shall any such work be started to erect, move, alter, or raze, until a building permit shall have been obtained from the Building Official; nor shall any material change be made in the use of any building or land without a building permit having been obtained from the Building Official. No such building permit shall be issued to erect a building or structure or make any

change of use of a building or land unless it is in conformity with the provisions of this chapter and all amendments hereto.

(2) The Building Official shall have the authority to issue permits for temporary buildings and uses for construction purposes when said building or use will not continue for a period exceeding one year. Unless construction is started within six months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The Building Official may reinstate a building permit that has become void for failure to commence construction without payment of further fees in his or her discretion upon good cause shown.

(3) Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the Building Official in advance of issuance. The amount of such fees shall be established by ordinance or resolution of the Village Board.

(C) The Building Official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant, despite violations of contracts such as covenants or private agreement which may occur upon the granting of such permit.

(D) The Building Official shall require that all applications for building permits be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following:

(1) The actual shape, location, and dimensions of the lot drawn to scale;

(2) The shape, size, and location of all buildings or other structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate; and

(3) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed. One copy of the plans shall be returned to the applicant by the Building Official after he or she shall have marked such copy either as approved or disapproved. The second copy shall be retained in the records of the Building Official.

(E) Upon the completion of the work authorized by a building permit, the holder thereof shall seek final inspection thereof by notifying the Building Official. The Building Official shall make such final inspection promptly.

(Ord. 770, passed 2-20-2008)

§ 154.186 BOARD OF APPEALS.

(A) *Organization.*

(1) A Board of Appeals is hereby established in accordance with the provisions of the state statutes applicable thereto.

(2) Regular meetings of the Board shall be held at such time and place within the village as the Board may determine. Special meetings may be held at the call of the Chairperson or as determined by

the Board. Such Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel attendance of witnesses.

(3) All meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member of every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The Board may adopt its own rules of procedure not in conflict with the applicable state statutes or this chapter.

(B) *Appeals, how taken.*

(1) Appeals to the Board may be taken by any person aggrieved or by an officer, department, or board of the village.

(2) Such appeal shall be taken within 20 days from the date of the action appealed from, by filing with the Building Official and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the records upon which the action appealed from was taken.

(3) An appeal stays all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property.

(4) The Board of Appeals shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the use, requirement, decision, or determination as, in its opinion, ought to be made in the premises.

(C) *Jurisdiction.* The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but does have the power to act on those matters where this chapter provides for an administrative review, interpretation, and to authorize a variance as defined in this chapter and laws of the state. Said powers include:

(1) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in carrying out or enforcing any provisions of this chapter; and

(2) To grant a variance from the strict application of the provisions of this chapter.

(D) *Standards.* Each case before the Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district required Board approval for a permit shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The Board shall give consideration to the following:

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- (1) The location and size of the use;
- (2) The nature and intensity of the operations involved in, or conducted in connection with;
- (3) Its size, layout, and its relation to pedestrian and vehicular traffic to and from the use;
- (4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith, or conflict with normal traffic of the neighborhood;
- (5) Taking into account among other things, convenient routes of pedestrian traffic, particularly of children;
- (6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distance, and the general character and intensity of development of the neighborhood;
- (7) The location and height of buildings, the location, nature, and height of walls, fences, and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- (8) The nature, location, size, and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, and the physical and economic relationship of one type of use to another; and
- (9) The location, size, intensity, and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise, fumes, or flash of lights to a greater degree than is normal, with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.

(E) *Miscellaneous*. No order of the Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection, or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.
(Ord. 770, passed 2-20-2008)

§ 154.187 BUILDING PERMITS.

- (A) Unless otherwise expressly stated, terms, phrases, words and their derivations used herein

requiring definition shall have the meanings set forth in this chapter as enacted, and as hereafter amended.

(B) The Building Official shall require that all applications for building permits be accompanied by the good faith estimate of the owner or the owner's agent certifying the estimated cost of the building or structure. The fees provided for herein shall be paid to the Building Official at the time the application for the building permit is made.

(C) The following fees shall be imposed for building permit applications:

(1) Ten dollars (\$10.00) for each 100 square feet, or portion thereof, of building or structure floor area up to 20,000 square feet of floor area, and five dollars (\$5.00) for each 100 square feet, or portion thereof, of floor area exceeding 20,000 square feet in the same building or structure. The unfinished floor area of basements and cellars of single-family and two-family dwellings shall be excluded in determining the square footage of floor area upon which the building permit application fees are calculated;

(2) Twenty-five dollars (\$25.00) for each garage designed for fewer than three (3) automobiles or for a building or structure other than the main or principal building on the lot, and fifty dollars (\$50.00) for a garage designed for three or more automobiles; provided, however, that the fee for any building or structure other than the main or principal building on the lot that exceeds 1,200 square feet in floor area shall be calculated according to the quantity of floor area, except as provided in paragraph (C)(4) below;

(3) Twenty-five dollars (\$25.00) for each sign;

(4) Twenty-five dollars (\$25.00) for each building or structure constructed and used exclusively for agricultural purposes in a NU, Non-Urban District including, but not limited to, equipment storage and livestock; and

(5) Ten dollars (\$10.00) for a permit to raze a building or structure within the Village.
(Ord. 743, passed 8-18-2004; Ord. 881, passed 6/21/2017)

AMENDMENT OF REGULATIONS AND DISTRICTS

§ 154.200 PROPOSING AMENDMENTS.

(A) The Village Board may from time to time on its own motion, or Plan Commission, or on petition, amend by ordinance the districts created and established and the regulations and standards adopted in this chapter and in any future amendments hereto.

(B) The Village Board may, by resolution, refer to the Plan Commission a proposed amendment stating the specific changes proposed to be made, and shall transmit one copy of the resolution to the

Building Official and one to the Plan Commission.

(C) When an amendment is proposed by the Plan Commission, the Commission shall prepare a statement of recommendation to the Village Board stating the specific changes proposed to be made and explain why such amendment may be needed or desirable, and shall file such statement in the office of the Village Clerk. The Village Clerk shall retain the original copy of the statement and the duplicate copies shall be transmitted to the Building Official and Village Attorney.

(D) (1) If the amendment is proposed by petition of a person or persons other than the Plan Commission, such proposal may be made by filing a written petition to the Village Board in the office of the Village Clerk, such petition shall:

(a) State the name and address of the petitioner or petitioners;

(b) State the interest of the petitioner in the property involved and in the changes sought by the amendment;

(c) State the specific changes sought and state facts sufficient to demonstrate need for or desirability of such changes, and support such statements with any plans and data necessary for a proper understanding of the changes proposed and the grounds therefor, or such plans and data as are recommended by the Building Official or prescribed by the Plan Commission or Village Board.

(2) The original copy of such petition and any supporting documents shall be retained by the Village Clerk and duplicate copies shall be transmitted to the Building Official and Village Attorney.
(Ord. 770, passed 2-20-2008)

§ 154.201 PETITION BEFORE HEARING.

If the amendment proposed may not be adopted legally under the laws of the state, the Village Clerk shall notify the petitioner in writing and send a copy of the communication to the Building Official and Village Attorney.
(Ord. 770, passed 2-20-2008)

§ 154.202 HEARING DATE AND NOTICE OF PUBLIC HEARING.

Within a reasonable time after receipt of a copy of a resolution, statement of recommendation, or petition, as provided in § 154.200, the Plan Commission shall set a hearing date for the proposed amendment and shall cause a notice of the time and place of such public hearing to be published in a newspaper of general circulation in the village not less than 15 days, nor more than 30 days, before the date of hearing. Such notice shall set forth in full the proposed changes in this chapter.
(Ord. 770, passed 2-20-2008)

§ 154.203 HEARING BY PLAN COMMISSION ON AMENDMENT.

(A) Public hearing on the proposed amendment shall be conducted by the Plan Commission on the date set in accordance with its general rules for meetings, and such hearings may be continued from time to time as required.

(B) After the conclusion of the last hearing required herein, the Plan Commission shall make a report of its findings to the Village Board and in said report shall indicate their approval or disapproval of the proposed amendment. Every report shall contain a finding of fact specifying the reason for the Plan Commission's recommendation of approval or disapproval.

(Ord. 770, passed 2-20-2008)

§ 154.204 VOTE OF THE VILLAGE BOARD.

(A) Upon the report of the Plan Commission after the public hearing, the Village Board may, by ordinance, adopt the proposed amendment by majority vote regardless of the recommendation of the Plan Commission, except in those cases where a written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by:

(1) The owners of 20% of the frontage proposed to be altered;

(2) The owners of 20% of the frontage immediately adjoining or across an alley from the frontage proposed to be altered; or

(3) The owners of 20% of the frontage directly opposite the frontage proposed to be altered.

(B) In these cases, a three-fourths vote of all the members of the Village Board shall be required for adoption of the proposed amendment.

(C) A written protest pursuant to this section shall be filed in the office of the Village Clerk at least five days before the Village Board meeting next following the Plan Commission hearing.

(Ord. 770, passed 2-20-2008)

TABLE OF SPECIAL ORDINANCES

Table

- I. AGREEMENTS**
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- VI. WEST MAIN STREET REDEVELOPMENT PROJECT AREA**
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TABLE I: AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
73	9-6-1902	Franchise agreement for telegraph/telephone infrastructure.
79	12-2-1905	Granting rights for telephone infrastructure.
100	8-5-1916	Granting rights to a light, heat, and power company to operate in the village.
113	1-11-1923	Agreement concerning transportation through the village.
128	2-2-1927	Granting a license to a telephone company.
325	11-5-1941	Agreement concerning electricity for pumping.
326	11-5-1941	Agreement concerning street lighting service.
350	8-22-1947	Granting rights to a telephone company to operate in the village.
-	9-7-1949	Agreement concerning electricity for pumping.
357	9-7-1949	Granting rights to a telephone company to operate in the village.
367	6-6-1951	Agreement concerning electricity for pumping.
385	2-5-1958	Granting rights to a telephone company to operate in the village.
-	3-6-1958	Agreement concerning the Social Security Act.

Teutopolis - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
391	8-13-1958	Authorizing a company to operate and maintain a gas transmission main.
401	9-14-1960	Granting rights to a light, heat, and power company to operate in the village.
421	5-6-1964	Agreement with cable TV service provider.
434	3-8-1967	Agreement with a company for street lighting service.
447	9-4-1968	Agreement with a company for street lighting service.
461	11-3-1971	Agreement concerning electricity for pumping.
467	8-1-1973	Agreement with a company for street lighting service.
478	4-2-1975	Agreement with the state's Environmental Protection Agency.
494	6-2-1976	Agreement with the City of Effingham for water service.
499	11-3-1976	Amendment to water service agreement.
507	11-15-1977	Granting rights to the telephone company to operate in the village.
522	2-6-1980	Agreement with a company for street lighting service.
526	7-2-1980	Water purchase contract.
533	3-19-1981	Agreement concerning electricity for pumping.
-	5-5-1981	Amendment to water service agreement.
537	2-17-1982	Granting United Cable Television of Southern Illinois, Inc. the right to operate an antenna television system.
555	8-20-1986	Granting United Cable Television of Southern Illinois, Inc. the right to operate a cable television system.
564	8-19-1987	Amendment to a water purchase contract.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
686	8-2-2000	Granting rights to Norris Electric Cooperative to operate in the village.
767	12-5-2007	Extending the expiration date of the cable franchise agreement.
774	3-19-2008	Extending the expiration date of the cable franchise agreement.
780	7-16-2008	Extending the expiration date of the cable franchise agreement.
782	8-6-2008	Granting rights to Ameren CIPS to operate a gas utility system.
794	2-3-2010	Extending the expiration date of the cable franchise agreement.
799	9-1-2010	Granting rights to Ameren CIPS to operate an electric utility system.
809	10-19-2011	Extending the expiration date of the cable franchise agreement.
822	8-1-2012	Extending the expiration date of the cable franchise agreement.
857	8-19-2015	Service provider fee for Mediacom Illinois LLC.
897	2-21-2018	Authorizing execution of termination agreement (Tina J. Hoelscher, Prairie View Subdivision Lot 35)
900	4-18-2018	Authorizing platting & restrictive covenants of Prairie View Subdivision
911	3-6-2019	Authorizing execution of release of reservation of possibility of reverter (J. Sparks, <i>et al.</i> , Prairie View Subdivision Lot 40).
912	3-20-2019	Authorizing execution of release of reservation of possibility of reverter (Imagine It Investments, Prairie View Subdivision Lot 35).

Teutopolis - Table of Special Ordinances

913	4-17-2019	Authorizing execution of release of reservation of possibility of reverter (James R. Miller, <i>et al.</i> , Prairie View Subdivision Lot 4).
914	4-17-2019	Authorizing execution of release of reservation of possibility of reverter (Jared M. Purcell, <i>et al.</i> , Prairie View Subdivision Lot 8).
915	5-1-2019	Authorizing execution of release of reservation of possibility of reverter (Ryan Buscher, <i>et al.</i> , Prairie View Subdivision Lot 9).

TABLE II: ZONING

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
787	3-18-2009	Changing the classification of the zoning district from NU, Non-Urban Housing to M, Industrial District.
837	5-7-2014	Changing the classification of the zoning district from M, Industrial District to B-2, General Commercial District.
879	5-17-2017	Changing the classification of 613 W. Walnut Street from R-2, Two-Family Residence District, to R-4. Attached Single-Family Residence District.
889	8-2-2017	Changing the classification of the zoning district from NU, Non-Urban Housing to R-1, Single-Family Residence District: E/2 E/2 SE/4 Section 24.

TABLE III: LAND USAGE

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
366	3-7-1951	Leasing outlots 114 through 117.
373	9-3-1952	Leasing property on lot 130, block 3 to the county.
398	6-1-1960	Granting an easement for electric transmission equipment.
530	12-17-1980	Lease agreement for property owned by Larry McMahon.
577	3-21-1990	Vacating an easement in lot 1 of Lidy Subdivision.
607	1-5-1994	Vacating easements in lots 55 and 56 of Rhine Ridge Subdivision Addition D.
641	1-9-1997	Leasing property to Stevens Industries, Inc.
813	3-7-2012	Extending lease with Stevens Industries, Inc.
853	5-20-2015	Lease agreement with St. Francis of Assisi Parish.
874	4-5-2017	Authorizing purchase of real estate from K. Marquardt, <i>et al.</i>
892	10-18-2017	Authorizing sale of Real Estate in Prairie View Subdivision

TABLE IV: ANNEXATIONS AND VACATIONS; REAL ESTATE

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
94	7-6-1912	Annexation of part of the SE quarter of the SE quarter of section 13, township 8 north, range 6 east of the third principal meridian, and other property.
330	7-1-1942	Vacation of a portion of Garrett Street.
331	4-28-1943	Incorporating the John Hakman Addition to the village.
338	5-3-1944	Vacation of a portion of Washington Street.
339	5-3-1944	Vacation of a portion of Plum Street.
343	4-4-1945	Sell of property near outlot 121.
352	12-15-1947	Vacation of alleys in the John Hakman Addition.
365	11-18-1950	Sell of a portion of outlots 114 through 117.
423	9-2-1964	Annexation concerning the SE quarter of the SE quarter of section 13, township 8 north, range 6 east of the third principal meridian.
429	5-4-1966	Vacation of a portion of Herin Street.
430	5-4-1966	Vacation of a portion of Plum Street.
454	3-4-1970	Annexation of part of lot 12 of the N half of section 23, township 8 north, range 6 east of the third principal meridian.
465	6-27-1973	Annexation of part of lot 2 of section 23, township 8 north, range 6 east of the third principal meridian.

Teutopolis - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
483	6-4-1975	Conveying property to the county for highway improvement.
493	6-2-1976	Conveying property to the county for development.
521	1-16-1980	Vacation of a portion of Walnut Street.
524	6-18-1980	Annexation of land near the NE corner of section 23, township 8, range 6 east of the third principal meridian.
538	3-17-1982	Vacation of a portion of Walnut Street.
549	6-5-1985	Vacation of a portion of Smith Street.
550	6-5-1985	Annexation of a part of the SE corner of the SE quarter of section 13, township 8 north, range 6 east of the third principal meridian lying south of Walnut Street.
557	11-19-1986	Annexation of part of the SW quarter of the NE quarter of section 23, township 8 north, range 6 east of the third principal meridian.
560	12-3-1986	Annexation of a part of the NE quarter of the SE quarter of section 13, township 8 north, range 6 east of the third principal meridian.
561	12-3-1986	Annexation of lot 3 of First Addition to Teutopolis Commercial Park.
567	12-2-1987	Annexation of lot 2 of First Addition to Teutopolis Commercial Park being a part of lot 2 of the N half of section 23, township 8 north, range 6 east of the third principal meridian, and other property.
571	4-5-1989	Annexation of property owned by Robert and Harold Drees.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
578	4-4-1990	Annexation of a part of lot 2 of Hakman's Subdivision of a part of the SW fractional quarter of section 18, township 8 north, range 7 east of the third principal meridian.
582	11-21-1990	Vacation of a part of Water Street.
586	5-15-1991	Annexation of a part of the SE quarter of the SE quarter of section 14, township 8 north, range 6 east of the third principal meridian.
588	6-5-1991	Annexation of part of the SW quarter of the NE quarter of section 23, township 8 north, range 6 east of the third principal meridian, and other property.
606	12-1-1993	Annexation of the Rhine Ridge Subdivision Addition D.
609	2-16-1994	Vacation of an alley along the south side of outlot 142.
611	5-4-1994	Annexation of the Paul Kralman Subdivision.
620	4-5-1995	Annexation of the Rhine Ridge Subdivision Addition E.
626	7-19-1995	Annexation of a part of the E half of the NW quarter of section 23, township 8 north, range 6 east of the third principal meridian, and other property.
628	11-15-1995	Vacation of a portion of Washington Street.
629	2-21-1996	Annexation of the SE quarter of the SE quarter of section 14, township 8 north, range 6 east of the third principal meridian, with exceptions.
638	8-21-1996	Vacation of an alley along the west side of block 47.
642	1-22-1997	Exchange of property including a part of the SE quarter of the SE quarter of section 14, township 8 north, range 6 east of the third principal meridian.

Teutopolis - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
655	12-17-1997	Annexation of a part of the SE fractional quarter of section 18, township 8 north, range 7 east of the third principal meridian, and other property.
661	7-1-1998	Vacation of a portion of Smith Street.
667	2-17-1999	Vacation of an alley along the W line of sections 13 and 24, township 8 north, range 6 east of the third principal meridian.
692	2-7-2001	Annexation of a part of the NW quarter of the NW quarter of section 25, township 8 north, range 6 east of the third principal meridian.
701	7-18-2001	Vacation of the plat of K&W Subdivision, First Addition.
709	1-16-2002	Sell of property located in the NE quarter of section 24, township 8 north, range 6 east of the third principal meridian.
712	6-19-2002	Vacation of a portion of Green Street.
716	11-6-2002	Vacation of a portion of Plum Street.
717	11-20-2002	Annexation of part of section 23, township 8 north, range 6 east of the third principal meridian, and other property.
724	3-19-2003	Vacation of the plat of Jerry Walker's Subdivision.
735	4-7-2004	Exchange of property including outlots 117 and 118.
749	1-19-2005	Annexation of lots in the August Winds Subdivision, First Addition.
755	3-15-2006	Annexation of a part of the NE quarter of the SW quarter of section 24, township 8 north, range 6 east of the third principal meridian.
769	3-5-2008	Vacation of a portion of Elm Street.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
781	7-16-2008	Annexation of a part of the W half of the NW quarter of section 23, township 8 north, range 6 east of the third principal meridian.
800	9-1-2010	Vacation of an alley beginning at the intersection of the north line of Walnut Street, as extended, with the east line of outlot 141, thence north along the east lines of outlots 141 through 135 to the north line of outlot 135.
803	4-6-2011	Annexation of a part of the SE quarter of the SW quarter of section 14, township 8 north, range 6 east of the third principal meridian, and other property.
824	10-17-2012	Annexation of part of the W half of the W half of the SW quarter of the SE quarter of section 14, township 8 north, range 6 east of the third principal meridian.
859	1-6-2016	Vacating a portion of Wall Street lying adjacent to and within Outlots 109, 110, 111, 112, 113, 117, 118, 119, 120 and 121, except that part lying within five feet of even width of the south side of Outlot 113 and the part lying within five feet of even width of the west half of the south side of Outlot 121.
867	7-20-2016	Annexation of the North Half of the Southeast Quarter of the Northeast Quarter of Section 23, T8N, R6E, Third P.M.
875	4-19-2017	Annexation of Francis A. Brummer, et al.
894	11-15-2017	Annexation of William Zerrusen Family Holdings, LLC & Theodore J. Rhodes, <i>et al.</i>
910	2-6-2019	Vacating a portion of Herin Street

TABLE V: STREET NAMING

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
584	1-2-1991	The street located south of, and adjacent to, lots 1 through 5 of Buhnerkempe Subdivision is named State Street.
657	12-17-1997	The public road which runs north and south on the west side of outlots 61 through 71 is named Wooden Shoe Road.
693	2-7-2001	East 1400th Avenue, between its intersection with the west right-of-way line of Wooden Shoe Road and its intersection with the east right-of-way line of Smith Street is named Deutsch Road.
721	12-4-2002	The public road which runs north and south in said subdivision, along the east side of lot 1 and the west side of lot 2, to the south side of lot 3 is named Automotive Street.
891	9-20-2017	Naming Farmweld Avenue

TABLE VI: WEST MAIN STREET REDEVELOPMENT PROJECT AREA

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
841	8-20-2014	Approving the tax increment redevelopment plan and project area.
842	8-20-2014	Designating the project area.
843	8-20-2014	Adopting tax increment financing for the project area.
847	3-18-2015	Amendment to Ord. 841.
848	3-18-2015	Amendment to Ord. 842.
849	3-18-2015	Amendment to Ord. 843.

VII: CENTRAL TAX INCREMENT FINANCING REDEVELOPMENT PROJECT

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
886	8-2-2017	An Ordinance Approving the Village of Teutopolis Central Tax Increment Financing Redevelopment Project Area Redevelopment Plan and Project
887	8-2-2017	An Ordinance Designating the Village of Teutopolis Central Tax Increment Financing Redevelopment Project Area
888	8-2-2017	An Ordinance Adopting Tax Increment Financing for the Village of Teutopolis Central Tax Increment Financing Redevelopment Project Area

PARALLEL REFERENCES

References to Illinois Compiled Statutes

References to Resolutions

References to Ordinances

REFERENCES TO ILLINOIS COMPILED STATUTES

<i>ILCS Section</i>	<i>Code Section</i>
5 ILCS 5	10.02
5 ILCS 70/1.01	10.04
5 ILCS 70/1.02	10.04
5 ILCS 70/1.03	10.04
5 ILCS 70/1.04	10.04
5 ILCS 70/1.05	10.02
5 ILCS 70/1.07	10.02
5 ILCS 70/1.08	10.02
5 ILCS 70/1.09	10.04
5 ILCS 70/1.10	10.02
5 ILCS 70/1.11	10.04
5 ILCS 70/1.12	10.02
5 ILCS 70/1.15	10.02
5 ILCS 70/1.16	10.02
5 ILCS 70/1.17	10.02
5 ILCS 70/1.20	10.02
5 ILCS 70/1.24	10.02
5 ILCS 70/1.28	10.02
5 ILCS 70/1.29	10.02
5 ILCS 70/2	10.04
5 ILCS 140	32.02
5 ILCS 140/6(b)	32.02
5 ILCS 175/1-101 et seq.	10.02
5 ILCS 425/1 et seq.	32.04
5 ILCS 430/1-1 et seq.	32.03
5 ILCS 430/5 through 15	32.03
5 ILCS 430/10-10 et seq.	32.04
5 ILCS 430/10-10 through 10-40	32.03
5 ILCS 430/20-5	32.04
5 ILCS 430/20-23	32.04
5 ILCS 430/50-5	32.03
5 ILCS 430/70-5	32.03, 32.04
5 ILCS 430/70-5(a)	32.03
5 ILCS 430/70-5(c)	32.03

Teutopolis - Parallel References

<i>ILCS Section</i>	<i>Code Section</i>
20 ILCS 1605/et seq.	135.02
20 ILCS 1605/7.12	135.02
20 ILCS 2910/0.01 et seq.	137.02
30 ILCS 405/1 et seq.	50.01, 52.60
35 ILCS 105/1 et seq.	33.06
35 ILCS 115/9	33.07
35 ILCS 120/2-27	33.02
35 ILCS 120/3	33.08
35 ILCS 200/1-1 et seq.	33.03
35 ILCS 630/1 et seq.	33.02
35 ILCS 635/1 et seq.	33.02
35 ILCS 636/5-1 et seq.	33.02
35 ILCS 638/1 et seq.	33.02
50 ILCS 45/1 et seq.	33.03
50 ILCS 705/1 et seq.	30.02
55 ILCS 5/3-9005	137.02
55 ILCS 5/5-1127	70.01
65 ILCS 5	30.05
65 ILCS 5/1-1-2	10.02
65 ILCS 5/1-2-1	10.99, 151.01
65 ILCS 5/1-2-1.1	10.99
65 ILCS 5/1-2-4	33.07, 33.08
65 ILCS 5/3.1-10-30	31.022
65 ILCS 5/8-11-1	33.08
65 ILCS 5/8-11-5	33.07
65 ILCS 5/8-11-6	33.06
65 ILCS 5/11-1-5	132.02
65 ILCS 5/11-5-1.5	154.004, 154.092
65 ILCS 5/11-12-12	151.01
65 ILCS 5/11-30-2	151.01
65 ILCS 5/11-30-8	151.01
65 ILCS 5/11-31-2	151.01
65 ILCS 5/11-42-5	Ch. 112
65 ILCS 5/11-60-1	110.02
65 ILCS 5/11-95-1 et seq.	30.04
65 ILCS 5/11-131-1	33.01
65 ILCS 5/11-143-1	33.04
70 ILCS 1205/3-9	70.01
210 ILCS 45/1-101 et seq.	132.01
210 ILCS 47/1-101 et seq.	132.01
210 ILCS 120/1-6	151.22
220 ILCS 5	33.02

<i>ILCS Section</i>	<i>Code Section</i>
220 ILCS 5/9-221	33.02
220 ILCS 5/9-222	33.02
220 ILCS 5/9-222.2	33.02
225 ILCS 425	132.01
225 ILCS 447/5-5 et seq.	137.02
230 ILCS 10/1 et seq.	135.02, 135.03
230 ILCS 15/1 et seq.	135.02
230 ILCS 20/et seq.	135.02
230 ILCS 20/1 et seq.	111.03
230 ILCS 25/1 et seq.	111.03, 135.02
230 ILCS 30/1 et seq.	135.02
230 ILCS 40/1 et seq.	111.03, 135.02, 135.03
235 ILCS 5	111.02, 111.04, 111.24, 111.45
235 ILCS 5/3-1	111.02
415 ILCS 5/3.360	136.01, 136.02
415 ILCS 5/57.2	154.004
415 ILCS 105/3	136.01
415 ILCS 105/4	136.02
415 ILCS 105/5	136.03
415 ILCS 105/6	136.04
415 ILCS 105/8(a),(b)	136.04
415 ILCS 105/8(a),(b),(d)	136.02, 136.03
415 ILCS 105/8(c)	136.07
415 ILCS 105/9	136.05
415 ILCS 105/10	136.06
430 ILCS 65/0.01 through 16-3	Ch. 137
515 ILCS 5	137.03
520 ILCS 5	137.03
525 ILCS 30/3.11	131.02
525 ILCS 30/3.14	131.02
605 ILCS 120/1 et seq.	70.34
605 ILCS 120/50	136.03
615 ILCS 5/5 et seq	151.21
625 ILCS 5/1-100 et seq.	136.01
625 ILCS 5/1-101.8	71.01
625 ILCS 5/1-102	70.01
625 ILCS 5/1-104.2	70.01
625 ILCS 5/1-105	70.01
625 ILCS 5/1-106	70.01
625 ILCS 5/1-107	70.01
625 ILCS 5/1-108	70.01

Teutopolis - Parallel References

<i>ILCS Section</i>	<i>Code Section</i>
625 ILCS 5/1-111.8	70.01
625 ILCS 5/1-112	70.01
625 ILCS 5/1-113	70.01
625 ILCS 5/1-116	70.01
625 ILCS 5/1-117.7	70.01
625 ILCS 5/1-120	70.01
625 ILCS 5/1-120.7	70.01
625 ILCS 5/1-123.9	71.01
625 ILCS 5/1-125	70.01
625 ILCS 5/1-126	70.01
625 ILCS 5/1-130	70.01
625 ILCS 5/1-131	70.01
625 ILCS 5/1-132	70.01
625 ILCS 5/1-135	70.01
625 ILCS 5/1-136	70.01
625 ILCS 5/1-137	70.01
625 ILCS 5/1-138	70.01
625 ILCS 5/1-139.1	70.01
625 ILCS 5/1-140	70.01
625 ILCS 5/1-140.10	70.01
625 ILCS 5/1-140.15	70.01
625 ILCS 5/1-141	70.01
625 ILCS 5/1-145.001	70.01
625 ILCS 5/1-146	70.01
625 ILCS 5/1-147	70.01
625 ILCS 5/1-148.2	70.01
625 ILCS 5/1-148.3	70.01
625 ILCS 5/1-148.3a-5	70.01
625 ILCS 5/1-148.6	70.01
625 ILCS 5/1-153	70.01
625 ILCS 5/1-153.1	71.01
625 ILCS 5/1-154	70.01
625 ILCS 5/1-155	70.01
625 ILCS 5/1-156	70.01
625 ILCS 5/1-157	70.01
625 ILCS 5/1-157.5	70.01
625 ILCS 5/1-158	70.01
625 ILCS 5/1-159.1	70.01
625 ILCS 5/1-162	70.01
625 ILCS 5/1-162.3	70.01
625 ILCS 5/1-162.5	70.01

<i>ILCS Section</i>	<i>Code Section</i>
625 ILCS 5/1-163	70.01
625 ILCS 5/1-166	70.01
625 ILCS 5/1-166.1	70.01
625 ILCS 5/1-167	70.01
625 ILCS 5/1-167.5	70.01
625 ILCS 5/1-168	70.01
625 ILCS 5/1-168.8	71.01
625 ILCS 5/1-169	70.01
625 ILCS 5/1-171	70.01
625 ILCS 5/1-171.6	70.01
625 ILCS 5/1-171.8	70.01
625 ILCS 5/1-172	70.01
625 ILCS 5/1-174	70.01
625 ILCS 5/1-176	70.01
625 ILCS 5/1-177	70.01
625 ILCS 5/1-178	70.01
625 ILCS 5/1-179	70.01
625 ILCS 5/1-181	70.01
625 ILCS 5/1-182	70.01
625 ILCS 5/1-187	70.01
625 ILCS 5/1-187.1	70.01
625 ILCS 5/1-188	10.02, 70.01
625 ILCS 5/1-193	70.01
625 ILCS 5/1-194	70.01
625 ILCS 5/1-195	70.01
625 ILCS 5/1-196	70.01
625 ILCS 5/1-197	70.01
625 ILCS 5/1-199	70.01
625 ILCS 5/1-200	70.01
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