

**Revised Code
-of-
Ordinances**

*City
of
Altamont
Illinois*

[Supplemented September 1, 2005]

**PREPARED BY:
Illinois Codification Services**

"Serving Illinois Since 1970"

Post Office Box 69

Freeburg, Illinois 62243-0069

Phone: (618) 539-5771

FAX: (618) 539-9890

CITY OF ALTAMONT

ORDINANCE NO. 300

AN ORDINANCE ENACTING
A CODE OF ORDINANCES
FOR THE
CITY OF ALTAMONT, ILLINOIS

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

THIS 11TH DAY OF AUGUST, 1997

Published in book form by authority of the Mayor and the City Council of the City of Altamont, Effingham County, Illinois this 11th day of August, 1997.

UNDER THE SUPERVISION OF
TAYLOR LAW OFFICES

ORDINANCE NO. _____

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

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

SECTION 1: The following exhibit shall be "**The Revised Code of Ordinances**" of the City of Altamont, Effingham County, Illinois" and shall be as follows:

SEE EXHIBIT "A" FOLLOWING

Passed this 11th day of August, 1997 by the Mayor and City Council of the City of Altamont, Effingham County, Illinois, and deposited and filed in the office of the City Clerk in said City on that date.

HELEN MOLL
CITY CLERK
ALTAMONT, ILLINOIS

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>CONFLICT</u>
<u>Don Wendling</u>					
<u>Linda Stoecklin</u>					
<u>Gerald White</u>					
<u>Larry E. Taylor</u>					
<u>Carl E. Brauer</u>					

Signed by the Mayor of the City of Altamont, Effingham County, Illinois, this 11th day of August, 1997.

CARL E. BRAUER
MAYOR
ALTAMONT, ILLINOIS

ATTEST:

HELEN MOLL
CITY CLERK
ALTAMONT, ILLINOIS

(SEAL)_[JJK1]

CITY CLERK'S CERTIFICATE

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

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

In witness whereof, I have set and affixed the Corporate Seal of the City of Altamont, Illinois, this 11th day of August, 1997.

HELEN MOLL
CITY CLERK
ALTAMONT, ILLINOIS

(SEAL)

CHAPTER TITLES

1.	Administration	1
3.	Animals	60
4.	Boards and Commissions	80
7.	Business Code	100
8.	Cable Television	150
9.	Cemetery	180
11.	Electric System	200
12.	Enterprise Zone	260
13.	Fair Housing Code	280
14.	Flood Plain Code	310
15.	Franchises	330
18.	Health Regulations	400
20.	Library	450
21.	Liquor	500
23.	Mobile Housing Code	550
24.	Motor Vehicle Code	575
25.	Nuisances	600
27.	Offenses	630
28.	Oil Wells	660
30.	Public Safety	700
31.	Recreation and Parks	730
33.	Street Regulations	775
34.	Subdivision Code	825
35.	Tree Code	870
36.	Taxation	880
38.	Utilities	900
40.	Zoning Code	1000

ALTAMONT, ILLINOIS

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION	
	Article I - General Code Provisions	
	Division I - Title	
	Section 1-1-1 - Title	1
	Section 1-1-2 - Acceptance	1
	Section 1-1-3 - Amendments	1
	Section 1-1-4 - Code Alteration	1
	Section 1-1-5 - Jurisdiction	2
	Section 1-1-6 - 1-1-7 Reserved	
	Division II - Saving Clause	
	Section 1-1-8 - Repeal of General Ordinances	2
	Section 1-1-9 - Public Utility Ordinances	2
	Section 1-1-10 - Court Proceedings	3
	Section 1-1-11 - Severability of Provisions	3
	Section 1-1-12 - City Clerk's Certificate	4
	Section 1-1-13 - 1-1-14 Reserved	
	Division III - Definitions	
	Section 1-1-15 - Construction of Words	5
	Section 1-1-16 - Definitions	5
	Section 1-1-17 - Catchlines	7
	Section 1-1-18 - 1-1-19 Reserved	
	Division IV - General Penalty	
	Section 1-1-20 - Penalty	8
	Section 1-1-21 - Minor Violations Penalty	8
	Section 1-1-22 - Service by Certified Mail	8
	Section 1-1-23 - Application	9
	Section 1-1-24 - Liability of Officers	9
	Section 1-1-25 - License	9
	Article II - Commissioners	
	Division I - Generally	
	Section 1-2-1 - Composition and General Powers	10
	Section 1-2-2 - Vacancies - Appointment	10
	Section 1-2-3 - Meetings	10
	Section 1-2-4 - Special Meetings	11
	Section 1-2-5 - Quorum	11
	Section 1-2-6 - 1-2-9 Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II - Commissioners (Continued)	
	Division II - City Administration and Officials	
	Section 1-2-10 - City Departments	12
	Section 1-2-11 - Commissioners are Superintendents of Departments	12
	Section 1-2-12 - Department Regulations	12
	Section 1-2-13 - Department of Public Affairs	13
	Section 1-2-14 - Department of Accounts and Finances	13
	Section 1-2-15 - Department of Public Health and Safety	15
	Section 1-2-16 - Commissioner of Streets and Public Improvements - General Powers and Duties – Subordinates	15
	Section 1-2-17 - Department of Public Property	16
	Section 1-2-18 - 1-2-19 Reserved	
	 Division III - Rules of the City Council	
	Section 1-2-20 - Rules of the Council	17
	Section 1-2-21 - Smoking Prohibited	18
	Section 1-2-22 - Reserved	
	 Division IV - Ordinances	
	Section 1-2-23 - Ordinances	21
	Section 1-2-24 - 1-2-25 Reserved	
	 Division V - General Provisions	
	Section 1-2-26 - Corporate Seal	22
	Section 1-2-27 - Elections	22
	Section 1-2-28 - Municipal Officers - Regulations	22
	Section 1-2-29 - Resignation of Appointed Officials	24
	Section 1-2-30 - Qualifications; Elective Office	24
	Section 1-2-31 - Bonds of City Officers	24
	Section 1-2-32 - Liability Insurance	25
	Section 1-2-33 - Bidding and Contract Procedures	25
	Section 1-2-34 - Pecuniary Interest in Contracts -- Prohibition	27
	Section 1-2-35 - Salaries Regulation	30
	Section 1-2-36 - Claims	30
	Section 1-2-37 - Municipal Year	30
	Section 1-2-38 - Expenses - Reimbursement	30
	Section 1-2-39 - Official Records	30
	Section 1-2-40 - Federal Old Age and Survivor's Insurance System	31
	Section 1-2-41 - Illinois Municipal Retirement Fund	31
	Section 1-2-42 - 1-2-46 Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II - Commissioners (Continued)	
	Division VI - City Clerk	
	Section 1-2-47 - Appointment of Clerk	32
	Section 1-2-48 - Council Minutes - Records	32
	Section 1-2-49 - Delivery of Papers to Officers	32
	Section 1-2-50 - Preparation of Documents; Commissions; Licenses	32
	Section 1-2-51 - Report of Licenses	32
	Section 1-2-52 - License Plates	33
	Section 1-2-53 - Administration of Oaths	33
	Section 1-2-54 - Outstanding Bonds	33
	Section 1-2-55 - Reports	33
	Section 1-2-56 - Successor	33
	Section 1-2-57 - Deputy Clerk	33
	Section 1-2-58 - Payments	34
	Section 1-2-59 - Warrant Register	34
	Section 1-2-60 - Finances	34
	Section 1-2-61 - Appropriation	34
	Section 1-2-62 - Notification to Persons Appointed	35
	Section 1-2-63 - Other Duties	35
	Section 1-2-64 - 1-2-67 Reserved	
	Division VII - City Treasurer	
	Section 1-2-68 - Finance Department	36
	Section 1-2-69 - Appointment of Treasurer	36
	Section 1-2-70 - Separation of Funds	36
	Section 1-2-71 - Bond	36
	Section 1-2-72 - Bookkeeping; Payroll	36
	Section 1-2-73 - Statements	37
	Section 1-2-74 - Annual Accounts; Preparation and Filing; Contents; Publication	37
	Section 1-2-75 - Deposit of Funds	37
	Section 1-2-76 - 1-2-80 Reserved	
	Division VIII - City Attorney	
	Section 1-2-81 - Position Established	39
	Section 1-2-82 - Prosecute for City	39
	Section 1-2-83 - Preparation of Ordinances	39
	Section 1-2-84 - Judgments	39
	Section 1-2-85 - Department Advisor	39
	Section 1-2-86 - Violations of Ordinances	39
	Section 1-2-87 - Prosecution of Suits	39
	Section 1-2-88 - 1-2-89 Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	ADMINISTRATION (CONTINUED)	
	Article II - Commissioners (Continued)	
	Division IX - City Engineer	
	Section 1-2-90 - Appointment	40
	Section 1-2-91 - Oath	40
	Section 1-2-92 - Maps, Plats and Records	40
	Section 1-2-93 - Duties	40
	Section 1-2-94 - 1-2-95 Reserved	
	Division X - Superintendent of Public Works	
	Section 1-2-96 - Office Created	41
	Section 1-2-97 - Streets	41
	Section 1-2-98 - Department Employees	41
	Section 1-2-99 - Property Custodian	41
	Section 1-2-100 - Other Duties	41
	Section 1-2-101 - 1-2-105 Reserved	
	Article III - Salaries	
	Section 1-3-1 - Established	44
	Article IV - Management Association	
	Section 1-4-1 - Participation	45
	Section 1-4-2 - Contribution	45
	Article V – Investment Policy	
	Section 1-5-1 - Scope of Investment Policy	46
	Section 1-5-2 - Investment Objectives	46
	Section 1-5-3 - Responsibility for the Investment Program	46
	Section 1-5-4 - Cash Management	47
	Section 1-5-5 - Accounting	47
	Section 1-5-6 - Financial Institutions	48
	Section 1-5-7 - Investment Selection	48
	Section 1-5-8 - Procedures on Certificates of Deposit	48
	Section 1-5-9 - Diversification and Maturities	48
	Section 1-5-10 - Collateral	49
	Section 1-5-11 - Internal Controls	49
	Section 1-5-12 - Reporting	49
	Section 1-5-13 - Standards of Prudence	49
	Article VI – Ethics Code	
	Section 1-6-1 - Definitions	51
	Section 1-6-2 - Prohibited Political Activities	53
	Section 1-6-3 - Gift Ban	54
	Section 1-6-4 - Exceptions	54
	Section 1-6-5 - Disposition of Gifts	55
	Section 1-6-6 - Ethics Advisor	55
	Section 1-6-7 - Ethics Commission	55
	Section 1-6-8 - Penalties	59

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
3	ANIMALS	
	Article I - General Regulations	
	Section 3-1-1 - Definitions	60
	Section 3-1-2 - Injury to Property	61
	Section 3-1-3 - Manner of Keeping	61
	Section 3-1-4 - Keeping Barking Dogs and Crying Cats	62
	Section 3-1-5 - Cruelty to Animals Prohibited	62
	Section 3-1-6 - Exhibiting Wild or Vicious Animals	62
	Section 3-1-7 - Health Hazard	63
	Section 3-1-8 - Limitation on Number of Dogs and Cats Kept	63
	Article II - Dogs	
	Section 3-2-1 - Definitions	64
	Section 3-2-2 - Dogs to be Inoculated and to Have Name Tags Affixed to Collars	64
	Section 3-2-3 - Inoculation to be Performed by Licensed Veterinarian; Issuance of Certificate	64
	Section 3-2-4 - Duration of Inoculation	64
	Section 3-2-5 - Specifications for Tag	64
	Section 3-2-6 - Exhibition of Certificate Upon Request	64
	Section 3-2-7 - Restraint of Dogs	65
	Section 3-2-8 - Impoundment of Dogs Running at Large or Unlicensed Dogs; Citation of Owner or Keeper	65
	Section 3-2-9 - Notice and Citation to Owner or Keeper of Impoundment	65
	Section 3-2-10 - Obstructing Poundmaster	65
	Section 3-2-11 - Impoundment of Dogs Which Have Bitten Persons	66
	Section 3-2-12 - Impoundment	66
	Section 3-2-13 - Redemption of Impounded Animals	66
	Section 3-2-14 - City Pound Designated	66
	Section 3-2-15 - Disposition of Dogs Deemed Nuisances	66
	Section 3-2-16 - Dangerous Dog - Female Dog at Large	67
	Section 3-2-17 - Female Dog with Other Dogs	67
	Article III - Vicious and Dangerous Dogs	
	Section 3-3-1 - Definitions	68
	Section 3-3-2 - Unlawful to Maintain	69
	Section 3-3-3 - Owner's Responsibility	69
	Section 3-3-4 - Dog Permitted to Leave Premises	69
	Section 3-3-5 - Injunction	70
	Section 3-3-6 - Liability of Owner of Dog Attacking or Injuring Person	70
	Section 3-3-7 - Right of Entry - Inspections	70
4	BOARDS AND COMMISSIONS	
	Article I - Plan Commission	
	Section 4-1-1 - Established	80
	Section 4-1-2 - Membership	80
	Section 4-1-3 - Term of Office	80
	Section 4-1-4 - Procedure	80
	Section 4-1-5 - Powers and Duties	80

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
4	BOARDS AND COMMISSIONS (CONTINUED)	
	Article I – Plan Commission (Continued)	
	Section 4-1-6 - Land Subdivision or Re-Subdivision and the Official Map	81
	Section 4-1-7 - Improvements	82
	Section 4-1-8 - Further Purposes	82
	Article II - Tourism Advisory Board	
	Section 4-2-1 - Creation of Board	83
	Section 4-2-2 - Membership; Terms	83
	Section 4-2-3 - Officers	83
	Section 4-2-4 - Compensation	84
	Section 4-2-5 - Meetings; Quorum	84
	Section 4-2-6 - Powers and Duties	84
	Section 4-2-7 - Expenditure of Funds	84
7	BUSINESS CODE	
	Article I - Raffle Code	
	Section 7-1-1 - Definitions	100
	Section 7-1-2 - Administration	100
	Section 7-1-3 - License Required	100
	Section 7-1-4 - Applications for License	101
	Section 7-1-5 - Application: Issuance	102
	Section 7-1-6 - Prohibited Licensees	102
	Section 7-1-7 - Restrictions on the Conduct of Raffles	102
	Section 7-1-8 - Records	103
	Section 7-1-9 - Limited Construction	103
	Article II – Adult Oriented Businesses	
	Section 7-2-1 - Purpose and Findings	104
	Section 7-2-2 - Definitions	108
	Section 7-2-3 - Classification	111
	Section 7-2-4 - License Required	112
	Section 7-2-5 - Issuance of License	115
	Section 7-2-6 - Fees	116
	Section 7-2-7 - Inspection	117
	Section 7-2-8 - Expiration of License	117
	Section 7-2-9 - Suspension	117
	Section 7-2-10 - Revocation	117
	Section 7-2-11 - Transfer of License	118
	Section 7-2-12 - Location of Adult Oriented Businesses and Signage	118
	Section 7-2-13 - Additional Regulations for Adult Motels	120
	Section 7-2-14 - Regulations Pertaining to Exhibition of Adult Explicit Films, Videos or Live Entertainment in Viewing Rooms	120
	Section 7-2-15 - Additional Regulations for Escort Agencies	122
	Section 7-2-16 - Additional Regulations for Nude Model Studio	122
	Section 7-2-17 - Additional Regulations Concerning Public Nudity	122
	Section 7-2-18 - Prohibition Against Children in an Adult Oriented Business	123

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
7	BUSINESS CODE (CONTINUED)	
	Article II – Adult Oriented Businesses (Continued)	
	Section 7-2-19 - Hours of Operation	123
	Section 7-2-20 - Exemptions	123
	Section 7-2-21 - Injunction	123
	Article III – Solicitors, Itinerant Merchants, Vendors, Peddlers & Canvassers	
	Section 7-3-1 - Definitions	125
	Section 7-3-2 - Required; Possession, Return Upon Expiration Required	126
	Section 7-3-3 - Leave Premises When Requested	126
	Section 7-3-4 - Unlawful Conduct	126
	Section 7-3-5 - Hours and Days of Operation	126
	Section 7-3-6 - False Presentation	126
	Section 7-3-7 - Waiver of Requirements for Local Charitable Solicitation, Community or Religious in Nature	127
	Section 7-3-8 - Application for Permit	127
	Section 7-3-9 - Persons Ineligible for Permit	128
	Section 7-3-10 - Denial or Issuance of Certificate	129
	Section 7-3-11 - Records	129
	Section 7-3-12 - Revocation; Grounds	129
	Section 7-3-13 - Expiration	130
	Section 7-3-14 - Fee for Permit	130
	Section 7-3-15 - Appeal From Denial or Revocation	130
	Section 7-3-16 - Violation; Punishment	130
	Article IV – Garage Sales	
	Section 7-4-1 - Definitions	131
	Section 7-4-2 - Restrictions and Limitations of Permitted Sales	131
8	CABLE TELEVISION	
	Section 8-1-1 - Definitions	150
	Section 8-1-2 - Grant of Franchise	151
	Section 8-1-3 - Standards of Service	151
	Section 8-1-4 - Regulations by the Franchising Authority	154
	Section 8-1-5 - Books and Records	156
	Section 8-1-6 - Insurance and Indemnification	156
	Section 8-1-7 - Enforcement and Termination of Franchise	157
	Section 8-1-8 - Miscellaneous Provisions	159
9	CEMETERY	
	Article I - Administration	
	Section 9-1-1 - Cemetery Established	180
	Section 9-1-2 - Cemetery Board of Managers	180
	Section 9-1-3 - Additions Thereto	180
	Section 9-1-4 - Power to Convey Lots - Prices	180
	Section 9-1-5 - Lot Purchases	180
	Section 9-1-6 - Proceeds From Sale of Lots	181
	Section 9-1-7 - Trust Funds	181
	Section 9-1-8 - Bond of Treasurer	181
	Section 9-1-9 - Duties of Treasurer	181
	Section 9-1-10 - Duties of Clerk	182
	Section 9-1-11 - Ownership of Lot When Deed is Lost	182
	Section 9-1-12 - Duty of the City Clerk	182

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
9	CEMETERY (CONTINUED)	
	Article II - Regulations	
	Section 9-2-1 - Firearms	183
	Section 9-2-2 - Defacement of Property	183
	Section 9-2-3 - Offenses	183
11	ELECTRIC SYSTEM	
	Article I - Rates	
	Section 11-1-1 - Rates Established	200
	Article II – Payment Regulations	
	Section 11-2-1 - Payment for Electric Services	211
	Section 11-2-2 - Liability for Charges	212
	Section 11-2-3 - Reconnection Fee	213
	Section 11-2-4 - Payment of Prior Balances	213
	Section 11-2-5 - No New Service to Persons Owing Charges in Arrears	213
	Section 11-2-6 - Discontinuance of Electric Service	213
	Section 11-2-7 - Deferred Payment Agreements	215
12	ENTERPRISE ZONE	
	Section 12-1-1 - Zone Established	260
	Section 12-1-2 - Length of Enterprise Zone	260
	Section 12-1-3 - Legal Description	260
	Section 12-1-4 - Qualified as Zone	260
	Section 12-1-5 - Local Incentives	261
	Section 12-1-6 - Tax Abatement	261
	Section 12-1-7 - Construction Permit Fees Waived	262
	Section 12-1-8 - Sales Tax Exclusions	263
	Section 12-1-9 - Targeting Funds for Projects	263
	Section 12-1-10 - Administrator Designated	264
	Section 12-1-11 - Additional Incentives Allowed	264
13	FAIR HOUSING CODE	
	Section 13-1-1 - Short Title	280
	Section 13-1-2 - Purpose and Declaration of Policy	280
	Section 13-1-3 - Construction	280
	Section 13-1-4 - Definitions	280
	Section 13-1-5 - Discriminatory Terms	281
	Section 13-1-6 - Refusals to Deal	281
	Section 13-1-7 - Withholding Housing	281
	Section 13-1-8 - Advertisements	282
	Section 13-1-9 - Advertisements, Causing or Permitting	282
	Section 13-1-10 - Signs and Notices	282
	Section 13-1-11 - Exemptions	282
	Section 13-1-12 - Limitations	282
	Section 13-1-13 - Withholding Housing	282
	Section 13-1-14 - Refusals of Offers	283
	Section 13-1-15 - Advertisements	283
	Section 13-1-16 - Signs and Notices	283
	Section 13-1-17 - Licensing	283
	Section 13-1-18 - Discrimination in Lending	283

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
13	FAIR HOUSING CODE (CONTINUED)	
	Section 13-1-19 - Refusals to Deal in Lending	283
	Section 13-1-20 - Coverage	284
	Section 13-1-21 - Representation	284
	Section 13-1-22 - Other Violations	284
	Section 13-1-23 - Complaints	284
	Section 13-1-24 - Hearings by City Council	285
	Section 13-1-25 - Enforcement	285
	Section 13-1-26 - Remedies	286
	Section 13-1-27 - Fines	286
	Section 13-1-28 - Severability	286
14	FLOOD PLAIN CODE	
	Section 14-1-1 - Purpose	310
	Section 14-1-2 - Definitions	310
	Section 14-1-3 - Base Flood Elevation	312
	Section 14-1-4 - Duties of the Floodplain Administrator	313
	Section 14-1-5 - Development Permit	313
	Section 14-1-6 - Preventing Increased Flood Heights and Resulting Damages	314
	Section 14-1-7 - Protecting Buildings	315
	Section 14-1-8 - Subdivision and Other Development Requirements	317
	Section 14-1-9 - Variances	318
	Section 14-1-10 - Disclaimer of Liability	319
	Section 14-1-11 - Penalty	319
	Section 14-1-12 - Abrogation and Greater Restrictions	320
15	FRANCHISES	
	Article I - Gas Franchise	
	Section 15-1-1 - Gas Franchise	330

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
18	HEALTH REGULATIONS	
	Article I - Board of Health	
	Section 18-1-1 - Board of Health Created - Membership - Offices	400
	Section 18-1-2 - Meetings - Quorum	400
	Section 18-1-3 - Rules and Regulations	400
	Section 18-1-4 - Powers of Board	400
	Section 18-1-5 - Jurisdiction	400
	Section 18-1-6 - Orders - Violation - Penalty	400
	Section 18-1-7 - Claims	401
	Section 18-1-8 - Reports and Recommendations	401
	Article II - Trash Collection	
	Section 18-2-1 - Under Supervision of Commissioner of Public Health and Safety	402
	Section 18-2-2 - Definitions	402
	Section 18-2-3 - Refuse in Streets and Alleys	402
	Section 18-2-4 - Garbage, House Treatment and Disposition	402
	Section 18-2-5 - Location of Receptacles	403
	Section 18-2-6 - Garbage Trucks to be Covered	403
	Section 18-2-7 - Levy of Tax	403
	Section 18-2-8 - Service Charge for Collection of Garbage	403
	Section 18-2-9 - Collection	403
	Section 18-2-10 - Failure to Pay - Penalty	403
	Article III – Payment Regulations	
	Section 18-3-1 - Payment for Garbage Collection Services	404
	Section 18-3-2 - Discontinuance of Garbage Collection Service	404
	Section 18-3-3 - Reconnection Fee	405
	Section 18-3-4 - No New Service to Persons Owing Charges in Arrears	405
	Section 18-3-5 - Payment of Prior Balances	405
	Section 18-3-6 - Deferred Payment Agreement	405
20	LIBRARY	
	Article I - Library Board	
	Section 20-1-1 - Established	450
	Section 20-1-2 - Appointment - Compensation	450
	Section 20-1-3 - Term	450
	Section 20-1-4 - Vacancies	450
	Section 20-1-5 - Oath of Office; Organization; Meetings	450
	Section 20-1-6 - Custodian of Funds	451
	Section 20-1-7 - Powers and Duties	451
	Section 20-1-8 - Additional Powers and Duties	453
	Section 20-1-9 - Selection and Use of Library Materials	454
	Section 20-1-10 - Free to Public	454
	Section 20-1-11 - Annual Report	454
	Section 20-1-12 - Donations	455
	Section 20-1-13 - Disturbance Prohibited - Penalty	455
	Section 20-1-14 - Injury to or Failure to Return Books - Penalty	455
	Section 20-1-15 - Reference	455

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
21	LIQUOR	
	Article I - Generally	
	Section 21-1-1 - Definitions	500
	Article II - Licenses	
	Section 21-2-1 - License Required	504
	Section 21-2-2 - Applications	504
	Section 21-2-3 - Examination of Applicant	505
	Section 21-2-4 - Prohibited Licensees	505
	Section 21-2-5 - Term; Fee Submitted in Advance	507
	Section 21-2-6 - Classification - Fee - Limitation	507
	Section 21-2-7 - Nature of License	508
	Section 21-2-8 - Limitation of Licenses	509
	Section 21-2-9 - Dramshop: Financial Responsibility	509
	Section 21-2-10 - Dramshop Insurance	509
	Section 21-2-11 - Display of License	510
	Section 21-2-12 - Record of Licenses	510
	Article III - Regulations	
	Section 21-3-1 - Hours	511
	Section 21-3-2 - Happy Hour Restrictions	511
	Section 21-3-3 - Prohibited Locations	512
	Section 21-3-4 - Change of Location	513
	Section 21-3-5 - Stores Selling School Supplies, Lunches, Etc.	513
	Section 21-3-6 - Transporting, Etc., in Motor Vehicles	513
	Section 21-3-7 - Open Liquor - Cup-to-Go Prohibited	513
	Section 21-3-8 - Liquor in Vehicles; Underage	513
	Section 21-3-9 - Restricted Residential Areas	514
	Section 21-3-10 - Election Days	514
	Section 21-3-11 - Unlawful Acts	514
	Section 21-3-12 - Unlawful Entertainment	514
	Section 21-3-13 - Sanitary Conditions	515
	Section 21-3-14 - Diseased Employees	515
	Section 21-3-15 - Health Permit	515
	Section 21-3-16 - Peddling	515
	Section 21-3-17 - Gambling	515
	Section 21-3-18 - Disorderly House	515
	Section 21-3-19 - Prohibited Sales - Generally	516
	Section 21-3-20 - Persons Selling Liquor	516
	Section 21-3-21 - Underaged; Entry on Licensed Premises	516
	Section 21-3-22 - Unlawful Purchase of Liquor	516
	Section 21-3-23 - Identification Required	516
	Section 21-3-24 - Transfer of Identification Card	517
	Section 21-3-25 - Posting Warning	517
	Section 21-3-26 - Exclusionary Provision	517
	Section 21-3-27 - Inspections	517

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
21	LIQUOR CODE (CONTINUED)	
	Article III - Regulations (Continued)	
	Section 21-3-28 - Books and Records---Available Upon Reasonable Notice and Maintained in State Records	518
	Section 21-3-29 - Restrictions on Licensee	518
	Section 21-3-30 - Selling False Identification	518
	Section 21-3-31 - False Identification	518
	Section 21-3-32 - Underaged Drinking on Streets	519
	Section 21-3-33 - Residential Drinking	519
	Section 21-3-34 - Renting Hotel Rooms for Drinking	519
	 Article IV - Violations and Penalties	
	Section 21-4-1 - Owner of Premises Permitting Violation	520
	Section 21-4-2 - Acts of Agent or Employee - Liability; Knowledge	520
	Section 21-4-3 - Revocation of License After Conviction	520
	Section 21-4-4 - Revocation of License When Employee Convicted	520
	Section 21-4-5 - Misbranding	520
	Section 21-4-6 - Abatement of Place Used in Violation	521
	Section 21-4-7 - Use of Premises for One Year After Revocation	521
	Section 21-4-8 - Revocation of Licenses	521
	Section 21-4-9 - Complaint by Residents	521
	Section 21-4-10 - Revocation or Suspension of Local License; - Notice and Hearing	522
	Section 21-4-11 - Appeals From Order of Liquor Commissioner	523
	Section 21-4-12 - Subsequent Violations in a Year	523
	Section 21-4-13 - Appeal Limitations for Subsequent Violation	523
23	MOBILE HOUSING CODE	
	Article I - General Provisions	
	Section 23-1-1 - Definitions	550
	Section 23-1-2 - State Requirements Adopted by Reference	552
	Section 23-1-3 - Illinois Department of Public Health Regulations	552
	Section 23-1-4 - National Safety Standards	552
	Section 23-1-5 - Skirting	553
	Section 23-1-6 - Fire Extinguishers	553
	Section 23-1-7 - Inspection	553
	Section 23-1-8 - Off-Street Parking	553
	Section 23-1-9 - Owner Occupied	553

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
23	MOBILE HOUSING CODE (CONTINUED)	
	Article II - Immobilized Mobile Homes	
	Section 23-2-1 - Immobilized Mobile Homes	554
	Section 23-2-2 - Permit - Fee	554
	Section 23-2-3 - Lot Size	554
	Section 23-2-4 - Dependent Mobile Homes	554
	Section 23-2-5 - Concrete Pads	554
	Section 23-2-6 - Limit of Units	554
	 Article III - Mobile Home Parks	
	Division I - Administration Requirements	
	Section 23-3-1 - Compliance with Statutes, Applicability of Article	555
	Section 23-3-2 - Planning	555
	Section 23-3-3 - Local Government Requirements	555
	Section 23-3-4 - Permits	555
	Section 23-3-5 - Inspection of Mobile Home Park	556
	Section 23-3-6 - Violation Proceedings	556
	Section 23-3-7 - Permit Required	556
	Section 23-3-8 - 23-3-9 Reserved	
	 Division II - Design and Construction Requirements	
	Section 23-3-10 - Plan Document	557
	Section 23-3-11 - Application	557
	Section 23-3-12 - Location	558
	Section 23-3-13 - Roadways and Parking	558
	Section 23-3-14 - 23-3-16 Reserved	
	 Division III - Generally	
	Section 23-3-17 - Lot Size	559
	Section 23-3-18 - Miscellaneous Restrictions	559
	Section 23-3-19 - 23-3-20 Reserved	
24	MOTOR VEHICLE CODE	
	Article I - Definitions	
	Section 24-1-1 - Illinois Vehicle Code; Definitions Adopted	575

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
24	MOTOR VEHICLE CODE (CONTINUED)	
	Article II - General Regulations	
	Section 24-2-1 - Obedience to Police	575
	Section 24-2-2 - Scene of Fire	575
	Section 24-2-3 - Signs and Signals	575
	Section 24-2-4 - Unauthorized Signs	576
	Section 24-2-5 - Interference with Signs or Signals	576
	Section 24-2-6 - Advertising Signs	576
	Section 24-2-7 - Animals or Bicycles	576
	Section 24-2-8 - Lamps and Other Equipment on Bicycles	576
	 Article III - Stop and Through Streets	
	Section 24-3-1 - Through Streets	578
	Section 24-3-2 - One-Way Streets or Alleys	578
	Section 24-3-3 - Stop Streets	578
	Section 24-3-4 - Yield Right-of-Way Streets	578
	Section 24-3-5 - Posting Signs	578
	 Article IV - Driving Rules	
	Section 24-4-1 - Illinois Vehicle Code; Rules of the Road Adopted	579
	Section 24-4-2 - Driving Rules	579
	Section 24-4-3 - Duty to Report Accident	581
	Section 24-4-4 - Transporting Liquor in Vehicles	581
	Section 24-4-5 - Excessive Noise - Stopped Vehicle	581
	Section 24-4-6 - Excessive Noise - Wheels	581
	Section 24-4-7 - Excessive Noise - Squealing Tires	581
	Section 24-4-8 - Reckless, Negligent or Careless Driving	581
	Section 24-4-9 - Excessive Noise While Driving	581
	Section 24-4-10 - Vehicles Prohibited	582
	Section 24-4-11 - Engine Brakes	582
	 Article V - Equipment of Vehicles	
	Section 24-5-1 - Illinois Vehicle Code; Equipment of Vehicles Adopted	582
	Section 24-5-2 - Muffler	582
	 Article VI - Parking Rules	
	Section 24-6-1 - Time Limit Parking	583
	Section 24-6-2 - Parking for Sale, Repair or Peddling Prohibited	583
	Section 24-6-3 - Private Property	583
	Section 24-6-4 - Stopping, Standing or Parking Prohibited in Specified Places	583
	Section 24-6-5 - Parking for the Handicapped	585
	Section 24-6-6 - Load Limits	585

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
24	MOTOR VEHICLE CODE (CONTINUED)	
	Article VI - Parking Rules (Continued)	
	Section 24-6-7 - Towing Cars Away	586
	Section 24-6-8 - Parking Violations	586
	Section 24-6-9 - Prima Facie Proof	587
	Section 24-6-10 - Snow Routes	587
	Section 24-6-11 - Parking Tickets - State Statute	587
	 Article VII - Abandoned Vehicles	
	Section 24-7-1 - Definitions	588
	Section 24-7-2 - Abandonment	588
	Section 24-7-3 - Possession of Vehicle by Other Party; Towing	589
	Section 24-7-4 - Removal of Motor Vehicles or Other Vehicles - Towing or Hauling Away	589
	Section 24-7-5 - Police Responsibilities	589
	Section 24-7-6 - Unknown Owner	590
	Section 24-7-7 - Identifying and Tracing Vehicle	590
	Section 24-7-8 - Reclaimed Vehicles - Expenses	590
	Section 24-7-9 - Disposal of Unclaimed Vehicle	590
	Section 24-7-10 - Disposal of Unclaimed Vehicles Without Notice	591
	Section 24-7-11 - Police Record for Disposed Vehicle	591
	Section 24-7-12 - Public Sale Proceeds	591
	Section 24-7-13 - Liability	592
	Section 24-7-14 - Penalty	592
 25	 NUISANCES	
	Article I - Generally	
	Section 25-1-1 - Definitions	600
	 Article II - Refuse Storage and Disposal	
	Section 25-2-1 - Final Disposal of Refuse	602
	Section 25-2-2 - Refuse and Storage	602
	Section 25-2-3 - Accumulation, Storage and Burning	602
	Section 25-2-4 - Accumulation and Storage of Junk	602
	Section 25-2-5 - Transportation of Refuse	603
	Section 25-2-6 - Frequency of Collection	603
	Section 25-2-7 - Dangerous and Hazardous Materials	603
	Section 25-2-8 - Vermin and Rodents	603
	Section 25-2-9 - Enforcement	603
	Section 25-2-10 - Inspection	604
	Section 25-2-11 - Notice to Abate	604
	Section 25-2-12 - Penalty	604

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
25	NUISANCES (CONTINUED)	
	Article III - Nuisances	
	Section 25-3-1 - General	605
	Section 25-3-2 - The Following are Declared to be Public Nuisances Prejudicial to Public Health	605
	Section 25-3-3 - Enforcement	606
	Section 25-3-4 - Inspection	606
	Section 25-3-5 - Notice to Abate	606
	Section 25-3-6 - Penalty	606
	 Article IV - Dangerous Buildings	
	Section 25-4-1 - Definitions	607
	Section 25-4-2 - Nuisance	607
	Section 25-4-3 - Unlawful in City	607
	Section 25-4-4 - Notice to Abate	607
	Section 25-4-5 - Failure to Comply	607
	Section 25-4-6 - Penalty	608
 27	 OFFENSES	
	Article I - Definitions	
	Section 27-1-1 - Meanings of Words and Phrases	630
	Section 27-1-2 - Criminal Code Adopted	630
	 Article II - Generally	
	Section 27-2-1 - Disturbing Police Officer	630
	Section 27-2-2 - Impersonation of Officer	630
	Section 27-2-3 - Disturbing Lawful Assemblies	631
	Section 27-2-4 - Unlawful Assembly	631
	Section 27-2-5 - Disturbing the Peace	631
	Section 27-2-6 - Barbed Wire and Electric Fences	631
	Section 27-2-7 - Admission Fees: Fraudulently Avoiding Payment Of	631
	Section 27-2-8 - Sale of Cigarettes or Tobacco to Minors	632
	Section 27-2-9 - Smokeless Tobacco	632
	Section 27-2-10 - Unlawful Conduct on a Public Way	632
	Section 27-2-11 - Aid in Escape	632
	Section 27-2-12 - Escapes	632
	Section 27-2-13 - False Pretenses	633
	Section 27-2-14 - Renting Premises for Unlawful Purposes	633
	Section 27-2-15 - Aid to an Offense	633
	Section 27-2-16 - Posting Bills	633
	Section 27-2-17 - Intoxication in Public	633
	Section 27-2-18 - Begging	633
	Section 27-2-19 - Concealed Weapons	633
	Section 27-2-20 - Discharge of Firearms or Bow and Arrow	634
	Section 27-2-21 - Games in Street	634

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
27	OFFENSES (CONTINUED)	
	Article II - Generally (Continued)	
	Section 27-2-22 - Storage of Explosives	634
	Section 27-2-23 - Throwing Rocks	634
	Section 27-2-24 - Destruction of Public Property	634
	Section 27-2-25 - Fortune Telling	634
	Section 27-2-26 - Abandoned Refrigerators or Iceboxes	635
	Section 27-2-27 - Halloween Curfew	635
	Section 27-2-28 - Curfew	635
	Section 27-2-29 - Theft of Recyclables Unlawful	635
	 Article III - Offenses Against Property	
	Section 27-3-1 - Petty Theft	636
	Section 27-3-2 - Criminal Damage to Property	636
	Section 27-3-3 - Criminal Damage to Fire-Fighting Apparatus, Hydrants or Equipment	636
	Section 27-3-4 - Injury to Utility Wires and Poles	637
	Section 27-3-5 - Street Signs; Molesting of Prohibited	637
	Section 27-3-6 - Tampering With Public Notice	637
	Section 27-3-7 - Skateboards, Etc. Prohibited	637
	 Article IV - Public Health, Safety and Decency	
	Section 27-4-1 - Disorderly Conduct; Elements of the Offense	638
	Section 27-4-2 - Resisting or Obstructing a Peace Officer	638
	Section 27-4-3 - Refusing to Aid an Officer	638
	Section 27-4-4 - Assembling at Public Places and Businesses	639
	Section 27-4-5 - Excavations	640
	 Article V - Anti-Litter	
	Section 27-5-1 - Definitions	641
	Section 27-5-2 - Littering Prohibited	642
	Section 27-5-3 - Prevention of Scattering	642
	Section 27-5-4 - Receptacles - Upsetting or Tampering	642
	Section 27-5-5 - Sidewalks and Alleys Free From Litter	642
	Section 27-5-6 - Owner to Maintain Private Premises	642
	Section 27-5-7 - Littering From Vehicles	643
	Section 27-5-8 - Littering From Aircraft	643
	Section 27-5-9 - Litter in Parks	643
	Section 27-5-10 - Handbills	643
	Section 27-5-11 - Posting Notices Prohibited	644
	Section 27-5-12 - Construction Sites	644
	Section 27-5-13 - Loading and Unloading Docks	644
	Section 27-5-14 - Parking Lots	644
	Section 27-5-15 - Clearing of Litter From Open Private Property by the City	645

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
27	OFFENSES (CONTINUED)	
	Article VI - Trespass	
	Section 27-6-1 - Trespasses Prohibited	646
	Section 27-6-2 - Specifically Enumerated Trespasses - Suppression	646
	Article VII - Parental Responsibility Regulations	
	Section 27-7-1 - Definitions	647
	Section 27-7-2 - Parents and Guardians Responsible for Acts	647
	Article VIII - Obscenity	
	Section 27-8-1 - Obscenity	649
	Section 27-8-2 - Harmful Material	650
	Section 27-8-3 - Tie-In Sales of Obscene Publications to Distributors	652
	Article IX - Open Burning	
	Section 27-9-1 - Definitions	653
	Section 27-9-2 - Burning Prohibited	653
	Section 27-9-3 - Restrictions on Burning of Landscape Waste	653
28	OIL WELLS	
	Section 28-1-1 - Permit Established	660
	Section 28-1-2 - Application for Permit	660
	Section 28-1-3 - Permit Required	660
	Section 28-1-4 - Sign Posted	660
	Section 28-1-5 - Dikes Required	661
	Section 28-1-6 - Tank Reservoirs	661
	Section 28-1-7 - Earthen Reservoir Storage	661
	Section 28-1-8 - Burn-Out Pit Prohibited	661
	Section 28-1-9 - Abandonment and Restoration	661
	Section 28-1-10 - Wells Plugged	661
	Section 28-1-11 - Reservoir Requirements	662
	Section 28-1-12 - Prohibited Escapes	662
	Section 28-1-13 - Subsurface Disposal System	662
	Section 28-1-14 - Bond Required	662
	Section 28-1-15 - Inspection	663
	Section 28-1-16 - Nuisance	663

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article I - General Provisions (Continued)	
	Section 29-1-5 - Code Enforcement Guidelines	671
	Section 29-1-6 - Occupancy Permit Required	671
	Section 29-1-7 - Application Dwelling Unit	672
	Section 29-1-8 - Action on an Application	672
	Section 29-1-9 - Issuance of Permit	672
	Section 29-1-10 - Conditional Permit	672
	Section 29-1-11 - Rejection of Application	673
	Section 29-1-12 - Suspension of Permit	673
	Section 29-1-13 - Revocation of Permit	673
	Section 29-1-14 - Existing Residential Occupancies	673
	 Article II - Definitions	
	Section 29-2-1 - General	674
	Section 29-2-2 - Applied Meanings of Words and Terms	674
	 Article III - Administration and Enforcement	
	Section 29-3-1 - Duties and Powers of Code Official	680
	Section 29-3-2 - Right of Entry	680
	Section 29-3-3 - Notice to Owner or to Persons Responsible	680
	Section 29-3-4 - Form of Notice	681
	Section 29-3-5 - Service of Notice	681
	 Article IV - Right to Appeal	
	Section 29-4-1 - Petition	682
	Section 29-4-2 - Appeals Board	682
	Section 29-4-3 - Vote	682
	Section 29-4-4 - Financial Interest	682
	Section 29-4-5 - Records	682
	Section 29-4-6 - Meetings, Quorum	682
	 Article V - Premises Conditions	
	Section 29-5-1 - Scope of Regulations	683
	Section 29-5-2 - Responsibility of Owner	683
	Section 29-5-3 - Vacant Structures and Land	683
	Section 29-5-4 - Sanitation	683
	Section 29-5-5 - Grading and Drainage	683
	Section 29-5-6 - Insect and Rat Control	683
	Section 29-5-7 - Accessory Structures	683

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
29	PROPERTY MAINTENANCE CODE (CONTINUED)	
	Article VI - Exterior of Structures	
	Section 29-6-1 - Maintenance Required	684
	Section 29-6-2 - Structural Members	684
	Section 29-6-3 - Exterior Surfaces	684
	Section 29-6-4 - Window and Door Frames	685
	 Article VII - Interior of Structure	
	Section 29-7-1 - General	686
	 Article VIII - Light, Ventilation and Space Requirements	
	Section 29-8-1 - General	687
	Section 29-8-2 - Light	687
	Section 29-8-3 - Ventilation	687
	Section 29-8-4 - Dwelling Unit Limitations	688
	Section 29-8-5 - Space Requirements	688
	 Article IX - Plumbing Facilities and Fixture Requirements	
	Section 29-9-1 - General	689
	Section 29-9-2 - Required Facilities	689
	Section 29-9-3 - Toilet Rooms	690
	Section 29-9-4 - Water System	690
	Section 29-9-5 - Sewage System	690
	 Article X - Mechanical and Electrical Requirements	
	Section 29-10-1 - General	691
	Section 29-10-2 - Heating Facilities: Residential Buildings	691
	Section 29-10-3 - Electrical Facilities	691
	 Article XI - Fire Safety Requirements	
	Section 29-11-1 - General	692
	Section 29-11-2 - Means of Egress	692
	Section 29-11-3 - Accumulation and Storage	692
	Section 29-11-4 - Fire Doors	692
	Section 29-11-5 - Smoke Detectors Required	693
	 Article XII - Responsibilities of Persons	
	Section 29-12-1 - General	694
	Section 29-12-2 - Sanitary Conditions	694
	Section 29-12-3 - Extermination	694

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
30	PUBLIC SAFETY	
	Article I - Civil Emergency	
	Section 30-1-1 - Definitions	700
	Section 30-1-2 - Declaration of Emergency	700
	Section 30-1-3 - Curfew	700
	Section 30-1-4 - Authority of Mayor to Issue Orders	700
	Section 30-1-5 - Effectiveness	701
	Section 30-1-6 - Notification	701
	 Article II - Police Department	
	Division I - Administration	
	Section 30-2-1 - Department Established	702
	Section 30-2-2 - Training Required	702
	Section 30-2-3 - Duties of Department	702
	Section 30-2-4 - Chief of Police - Administration	702
	Section 30-2-5 - Rules and Regulations by Chief	703
	Section 30-2-6 - Violation of Laws	703
	Section 30-2-7 - Discipline	703
	Section 30-2-8 - Suspension of Member	703
	Section 30-2-9 - Hearing	704
	Section 30-2-10 - Continued Employment	704
	Section 30-2-11 - 30-2-15 Reserved	
	 Division II - Police Chief	
	Section 30-2-16 - Office Established	705
	Section 30-2-17 - Oath of Office and Bond	705
	Section 30-2-18 - Management of Department	705
	Section 30-2-19 - Code Enforcement	706
	Section 30-2-20 - Attending City Council Meetings	706
	Section 30-2-21 - Reports	706
	Section 30-2-22 - Property Supervision	706
	Section 30-2-23 - Informing City Attorney	706
	Section 30-2-24 - 30-2-26 Reserved	
	 Division III - Patrol Officers	
	Section 30-2-27 - Position Established	707
	Section 30-2-28 - Oath and Bond	707
	Section 30-2-29 - Age and Character	707
	Section 30-2-30 - Sergeant Appointed	707
	Section 30-2-31 - Discharge of Duties	708
	Section 30-2-32 - Warrants Served	708
	Section 30-2-33 - Fire Department Aid	708
	Section 30-2-34 - Gambling Seizes	708
	Section 30-2-35 - Temporary Patrol Officers	708
	Section 30-2-36 - Special Police Officers	709
	Section 30-2-37 - Arrest Power	709
	Section 30-2-38 - Assistance Requested	709
	Section 30-2-39 - Resisting Arrest	709

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
30	PUBLIC SAFETY (CONTINUED)	
	Article III - Reserved	
	Article IV - Emergency Services and Disaster Agency (ESDA)	
	Section 30-4-1 - Policy and Procedures	710
	Section 30-4-2 - Limitations	711
	Section 30-4-3 - Definitions	711
	Section 30-4-4 - Emergency Services and Disaster Agency	712
	Section 30-4-5 - Emergency Services and Disaster Powers of the Mayor	713
	Section 30-4-6 - Financing	714
	Section 30-4-7 - Local Disaster Emergencies	715
	Section 30-4-8 - Testing of Disaster Warning Devices	715
	Section 30-4-9 - Mutual Aid Arrangements Between Political Subdivisions	715
	Section 30-4-10 - Communications	716
	Section 30-4-11 - Immunity	716
	Section 30-4-12 - Professions, Trades and Occupations	716
	Section 30-4-13 - Appropriations and Levy of Tax	716
	Section 30-4-14 - Authority to Accept Services, Gifts, Grants or Loans	717
	Section 30-4-15 - Orders, Rules and Regulations	717
	Section 30-4-16 - Utilization of Existing Agency, Facilities and Personnel	717
	Section 30-4-17 - Severability	717
	Section 30-4-18 - No Private Liability	718
	Section 30-4-19 - Succession	718
	Section 30-4-20 - Compensation	718
	Section 30-4-21 - Personnel Oath	718
	Section 30-4-22 - Emergency Termination or Reduction of Electrical Service	719
	Section 30-4-23 - Penalty	719
31	RECREATION AND PARKS	
	Article I - General	
	Section 31-1-1 - Lease Space	730
	Section 31-1-2 - Written Lease	730
	Section 31-1-3 - Keep Premises Sanitary	730
	Section 31-1-4 - Notice to Repair	730
	Section 31-1-5 - Notice to Terminate	730
	Section 31-1-6 - When to Operate Business	730
	Section 31-1-7 - Suit to Terminate Lease Notice	731

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
31	RECREATION AND PARKS (CONTINUED)	
	Article II - Park Regulations	
	Section 31-2-1 - Destruction of Park Property	732
	Section 31-2-2 - Littering - Water Pollution	732
	Section 31-2-3 - Camping and Fires in Parks	732
	Section 31-2-4 - Picnics	732
	Section 31-2-5 - Possession or Consumption of Alcoholic Liquor in City Parks	733
	Section 31-2-6 - Erection of Structures	733
	Section 31-2-7 - Signs	733
	Section 31-2-8 - Animals	733
	Section 31-2-9 - Motor Vehicles Prohibited	733
	Section 31-2-10 - Sales; Amusements for Gain	733
	Section 31-2-11 - Group Activities	733
	Section 31-2-12 - Application for Permit	734
	Section 31-2-13 - Decision on Permit Application	734
	Section 31-2-14 - Issuance or Denial of Permit	734
	Section 31-2-15 - Hours	734
	Article III - City Reservoir	
	Section 31-3-1 - Location and Description	735
	Section 31-3-2 - Fishing	735
	Section 31-3-3 - Swimming	735
	Section 31-3-4 - Boating	735
	Section 31-3-5 - Damage to Property	735
	Section 31-3-6 - Vehicles on Dam Prohibited	736
	Section 31-3-7 - Camping Prohibited	736
	Section 31-3-8 - Rubbish and Debris	736
	Section 31-3-9 - Offenses	736
33	STREET REGULATIONS	
	Article I - Department of Public Improvements Established	
	Section 33-1-1 - Department Established	775
	Article II - General Regulations	
	Section 33-2-1 - Undermining	775
	Section 33-2-2 - Open Doors	775
	Section 33-2-3 - Reserved	
	Section 33-2-4 - Stairway - Railing	776
	Section 33-2-5 - Closing Street	776
	Section 33-2-6 - Signs Across Street	776
	Section 33-2-7 - Vehicles on Sidewalks	776
	Section 33-2-8 - Deposits on Sidewalks	776
	Section 33-2-9 - Obstructing Street	776
	Section 33-2-10 - Rainwater Drains	777

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
33	STREET REGULATIONS (CONTINUED)	
	Article II - General Regulations (Continued)	
	Section 33-2-11 - Building Materials in Street	777
	Section 33-2-12 - Merchandise on Public Street	777
	Section 33-2-13 - Encroachments	777
	Section 33-2-14 - Posting Bills	777
	Section 33-2-15 - Signs on Poles	778
	Section 33-2-16 - Injury to New Pavements	778
	Section 33-2-17 - Barbed-Wire Fences	778
	Section 33-2-18 - Burning on Public Streets	778
	Article III - Trees and Shrubs	
	Section 33-3-1 - Planting	779
	Section 33-3-2 - Planting Trees in Right-of-Way	779
	Section 33-3-3 - Removal	779
	Section 33-3-4 - Injury	779
	Section 33-3-5 - Advertisements or Notices	779
	Section 33-3-6 - Dangerous Trees	779
	Section 33-3-7 - Wires	780
	Section 33-3-8 - Gas Pipes	780
	Article IV - Excavations	
	Section 33-4-1 - Permit Required	781
	Section 33-4-2 - Applications	781
	Section 33-4-3 - Fees	781
	Section 33-4-4 - Bond	781
	Section 33-4-5 - Deposit	781
	Section 33-4-6 - Manner of Excavating	782
	Section 33-4-7 - Reserved	
	Section 33-4-8 - Restoring Surface	782
	Section 33-4-9 - Supervision	782
	Section 33-4-10 - Tunneling	782
	Section 33-4-11 - Protective Measures and Routing of Traffic	783
	Section 33-4-12 - Clearance for Vital Structures	783
	Section 33-4-13 - Protection of Traffic	783
	Section 33-4-14 - Relocation and Protection of Utilities	783
	Section 33-4-15 - Abandonment of Substructures	784
	Section 33-4-16 - Protection of Adjoining Property	784
	Section 33-4-17 - Placement of Excavated Material	785
	Section 33-4-18 - Clean-Up	785
	Section 33-4-19 - Protection of Watercourses	785
	Section 33-4-20 - Breaking Through Pavement	786
	Section 33-4-21 - Depth of Structures	786
	Section 33-4-22 - Backfilling	787
	Section 33-4-23 - Trenches in Pipe Laying	787
	Section 33-4-24 - Prompt Completion of Work	787

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
33	STREET REGULATIONS (CONTINUED)	
	Article IV - Excavations (Continued)	
	Section 33-4-25 - Urgent Work	787
	Section 33-4-26 - Emergency Action	788
	Section 33-4-27 - Noise, Dust and Debris	788
	Section 33-4-28 - Preservation of Monuments	788
	Section 33-4-29 - Inspections	788
	Section 33-4-30 - Location Records	788
	Section 33-4-31 - Liability of Persons to City for Damage	789
	 Article V - Sidewalks	
	Section 33-5-1 - Sidewalk Construction	790
	Section 33-5-2 - Definition	790
	Section 33-5-3 - Construction Requirements	790
	Section 33-5-4 - Physical Constraints	790
	Section 33-5-5 - New Sidewalks	790
	Section 33-5-6 - Replacement Sidewalks	790
	Section 33-5-7 - Private Contractor	791
	Section 33-5-8 - Agreement Required	791
	 Article VI - Street Improvements	
	Section 33-6-1 - Curbs and Gutters	792
	Section 33-6-2 - Storm Sewers	792
	 Article VII - Culverts	
	Section 33-7-1 - Obstruction of Drain or Storm Sewer	793
	Section 33-7-2 - Permit for Culvert	793
	Section 33-7-3 - Application for Permit	793
	Section 33-7-4 - Termination of Permit	793
	Section 33-7-5 - Type of Culvert	793
	Section 33-7-6 - Cost of Installation	793
	Section 33-7-7 - Backfill Cost	793
	Section 33-7-8 - Replacement Cost	793
	 Article VIII - Driveways	
	Section 33-8-1 - Permits Required	794
	Section 33-8-2 - Permit Fee	794
	Section 33-8-3 - Grade Surface	794
	Section 33-8-4 - Specifications	794
	Section 33-8-5 - Breaking Curb - Bond Required	794
	Section 33-8-6 - Repair	794

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
33	STREET REGULATIONS (CONTINUED)	
	Article IX - Moving Buildings	
	Section 33-9-1 - Permit Required	795
	Section 33-9-2 - Application for Permit	795
	Section 33-9-3 - Investigation	795
	Section 33-9-4 - Denial of Permit	795
	Section 33-9-5 - Terms and Conditions of Permit	796
	Section 33-9-6 - Estimate of Cost and Deposit	796
	Section 33-9-7 - Liability Insurance	796
	Section 33-9-8 - Owner's Completion Bond or Savings and Loan Certificate and Share	797
	Section 33-9-9 - Clearance of Site and Safety Measures Required	797
	Section 33-9-10 - Inspection Fee and Permit Fee	798
	Section 33-9-11 - Issuance of Permit	798
	Section 33-9-12 - Suspension or Revocation of Permit	798
	Section 33-9-13 - Control and Supervision	798
	Section 33-9-14 - Notice Required	798
	Section 33-9-15 - Default in Performance of Conditions	799
	Section 33-9-16 - Approval of Route	799
	Section 33-9-17 - Obstructing Streets	799
	Section 33-9-18 - Lights and Barricades	799
	Section 33-9-19 - Wires and Structural Supports	799
	Section 33-9-20 - Trees, Plants and Shrubs	800
	Section 33-9-21 - Repairs to Public Property	800
	Section 33-9-22 - Refunding of Deposits	800
	Article X - Structure Numbers	
	Section 33-10-1 - Houses - Numbering Of	802
	Section 33-10-2 - Block Defined	802
	Section 33-10-3 - Street Junctures	802
	Section 33-10-4 - Irregular Streets	802
34	SUBDIVISION CODE	
	Article I - General Provisions	
	Section 34-1-1 - Title	825
	Section 34-1-2 - Purpose	825
	Section 34-1-3 - Jurisdiction	825
	Section 34-1-4 - Instances When Plats Will Not Be Required	826
	Section 34-1-5 - Interpretation	826
	Section 34-1-6 - Disclaimer of Liability	826
	Section 34-1-7 - Review and Expiration	827
	Article II - Definitions	
	Section 34-2-1 - Interpretation of Terms	828
	Section 34-2-2 - Selected Definitions	828

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	SUBDIVISION CODE (CONTINUED)	
	Article III - Plats and Plans	
	Division I - Preliminary Plats	
	Section 34-3-1 - General Procedure	836
	Section 34-3-2 - Filing Procedure	836
	Section 34-3-3 - Information Required	836
	Section 34-3-4 - Plan Commission Action	837
	Section 34-3-5 - Review by City Council; Time Constraints	838
	Section 34-3-6 - Rights and Privileges of Subdivider	838
	Section 34-3-7 - Reserved	
	 Division II - Improvements Plans	
	Section 34-3-8 - Submission of Plans	839
	Section 34-3-9 - Information Required	839
	Section 34-3-10 - Inspections Required	839
	Section 34-3-11 - Filing "As-Built" Records	840
	Section 34-3-12 - Reserved	
	 Division III - Assurance for Completion of Required Improvements	
	Section 34-3-13 - Approval of Final Plat - Improvements	840
	Section 34-3-14 - Forms of Assurance	840
	Section 34-3-15 - Amount of Bond or Deposit	840
	Section 34-3-16 - Eligible Sureties	841
	Section 34-3-17 - Term of Assurance, Extension	841
	Section 34-3-18 - Release of Bond/Escrow Deposit	841
	Section 34-3-19 - Failure to Complete Improvements	841
	Section 34-3-20 - 34-3-21 Reserved	
	 Division IV - Final Plats	
	Section 34-3-22 - City Council Approval	842
	Section 34-3-23 - Filing, Time Limits	842
	Section 34-3-24 - Information Required	842
	Section 34-3-25 - Certificates Required	843
	Section 34-3-26 - Administrative Review, Advisory Report	846
	Section 34-3-27 - Action by City Council	846
	Section 34-3-28 - Changes in Approved Final Plats	846
	Section 34-3-29 - 34-3-34 Reserved	
	 Division V - Maintenance of Improvements	
	Section 34-3-35 - Subdivider's Responsibilities	847
	Section 34-3-36 - Maintenance Bond	847
	 Division VI - Vacation of Plats	
	Section 34-3-37 - Vacation of Plats	847

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	SUBDIVISION CODE (CONTINUED)	
	Article IV - Administrative Procedures	
	Section 34-4-1 - Enforcement Officer, Duties	848
	Section 34-4-2 - Subdivision Variances	848
	Section 34-4-3 - Review by Plan Commission	848
	Section 34-4-4 - Action by City Council, Variance Standards	849
	Section 34-4-5 - Amendments	849
	Section 34-4-6 - Schedule of Fees	849
	Section 34-4-7 - Fees: Time of Payment	850
	Article V - Design and Improvement Standards	
	Division I - Generally	
	Section 34-5-1 - Applicability of Article	851
	Section 34-5-2 - Suitability for Development Generally	851
	Section 34-5-3 - Reserved	
	Division II - Lot Requirements	
	Section 34-5-4 - Conformity with Zoning	851
	Section 34-5-5 - Access and Relationship to Street	852
	Section 34-5-6 - Reference Monuments	852
	Division III - Street Design Standards	
	Section 34-5-7 - Plan Integration	852
	Section 34-5-8 - Right-of-Way and Pavement Widths	852
	Section 34-5-9 - Topographical Considerations	852
	Section 34-5-10 - Through Traffic Discouraged	852
	Section 34-5-11 - Limited Access to Arterials	852
	Section 34-5-12 - Dead-End Streets	853
	Section 34-5-13 - Intersections	853
	Section 34-5-14 - Reverse Curves	854
	Section 34-5-15 - Improvements to Existing Streets	854
	Section 34-5-16 - When Excess Right-of-Way Required	854
	Section 34-5-17 - 34-5-19 Reserved	
	Division IV - Street Improvement Standards	
	Section 34-5-20 - Developer's Expense	854
	Section 34-5-21 - Curb and Gutter	855
	Section 34-5-22 - Maintenance Responsibility	855
	Section 34-5-23 - 34-5-24 Reserved	
	Division V - Blocks	
	Section 34-5-25 - Block Width	856
	Section 34-5-26 - Block Length	856
	Section 34-5-27 - Crosswalks	856
	Section 34-5-28 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	SUBDIVISION CODE (CONTINUED)	
	Article V - Design and Improvement Standards (Continued)	
	Division VI - Sidewalks	
	Section 34-5-29 - Required	857
	Section 34-5-30 - Sidewalk Construction Standards	857
	Section 34-5-31 - Reserved	
	 Division VII - Streetlights	
	Section 34-5-32 - Intersection Lighting	857
	Section 34-5-33 - Streetlight System Standards	858
	Section 34-5-34 - Reserved	
	 Division VIII - Street Name Signs	
	Section 34-5-35 - Specifications	858
	Section 34-5-36 - Reserved	
	 Division IX - Utilities	
	Section 34-5-37 - Utility Location and Easements Required	858
	Section 34-5-38 - Utility Easements	858
	Section 34-5-39 - Drainage Easements	859
	Section 34-5-40 - Maintenance Easements	859
	Section 34-5-41 - Reserved	
	 Division X - Water Facilities	
	Section 34-5-42 - Potable Water Required	859
	Section 34-5-43 - Fire Hydrants	859
	Section 34-5-44 - Reserved	
	 Division XI - Sanitary Sewers	
	Section 34-5-45 - Compliance with Regulations	859
	Section 34-5-46 - When Public System Planned	860
	Section 34-5-47 - 34-5-48 Reserved	
	 Division XII - Drainage and Storm Sewers	
	Section 34-5-49 - Purpose and Intent	860
	Section 34-5-50 - Special Definitions	861
	Section 34-5-51 - Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
34	SUBDIVISION CODE (CONTINUED)	
	Article V - Design and Improvement Standards (Continued)	
	Division XIII - General Guidelines	
	Section 34-5-52 - Applicability	862
	Section 34-5-53 - Affidavit of Disclosure of Property Interest	862
	Section 34-5-54 - Method of Evaluation	862
	Section 34-5-55 - Detention of Differential Runoff	863
	Section 34-5-56 - Flows From Upstream Areas	863
	Section 34-5-57 - Facilities in Floodplains	863
	Section 34-5-58 - Land Credit for Detention Facilities	863
	Section 34-5-59 - Reserved	
	Division XIV - Design Criteria	
	Section 34-5-60 - General Requirements	863
	Section 34-5-61 - Other References	863
	Section 34-5-62 - Storm Water Runoff	864
	Section 34-5-63 - Hydraulic Considerations for Detention Storage	864
	Section 34-5-64 - Reserved	
	Division XV - Plan Requirements	
	Section 34-5-65 - Plan Requirements	865
	Section 34-5-66 - Construction Alternatives	865
	Section 34-5-67 - Reserved	
	Division XVI - Inspection, Maintenance and Acceptance by City	
	Section 34-5-68 - Inspection	866
	Section 34-5-69 - Maintenance	866
	Section 34-5-70 - Acceptance	866
	Section 34-5-71 - Reserved	
	Division XVII - Penalties for Violation	
	Section 34-5-72 - General	867
	Section 34-5-73 - Corrective Actions	867
	Section 34-5-74 - Penalty	867
35	TREE CODE	
	Section 35-1-1 - Title	870
	Section 35-1-2 - Definitions	870
	Section 35-1-3 - Purpose and Intent	870
	Section 35-1-4 - Establishment of a City Tree Board	870
	Section 35-1-5 - Compensation, Duties and Responsibilities	870
	Section 35-1-6 - Acceptable Street Tree Species	871
	Section 35-1-7 - Planting, Spacing, and Restrictions	872

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
35	TREE CODE (CONTINUED)	
	Section 35-1-8 - Prohibited Trees	872
	Section 35-1-9 - Public Tree Care	872
	Section 35-1-10 - Planting Regulations	873
	Section 35-1-11 - Injury to Street Trees	873
	Section 35-1-12 - Tree Topping and Dehorning	874
	Section 35-1-13 - Removal of Stumps	874
	Section 35-1-14 - Pruning, Corner Clearance, and Obstruction	874
	Section 35-1-15 - Violation and Penalty	874
	Section 35-1-16 - Pruning Standards	874
	Section 35-1-17 - Arborists License and Bond	874
	Section 35-1-18 - City Council Review	875
36	TAXATION	
	Article I - General Taxes	
	Section 36-1-1 - Corporate Rate	890
	Section 36-1-2 - Maximum Rates Established	890
	Article II - Utility Tax	
	Section 36-2-1 - Tax Imposed	891
	Section 36-2-2 - Exclusions	891
	Section 36-2-3 - No Additional Tax	891
	Section 36-2-4 - Definitions	891
	Section 36-2-5 - Effective Date	892
	Section 36-2-6 - Report by Taxpayer	892
	Section 36-2-7 - Credit for Overpayment	892
	Section 36-2-8 - Recovery Time Limits	892
	Article III - Hotel and Motel Tax	
	Section 36-3-1 - Definitions	893
	Section 36-3-2 - Tax	893
	Section 36-3-3 - Records to be Kept	894
	Section 36-3-4 - Returns	894
	Section 36-3-5 - Collection	894
	Section 36-3-6 - Proceeds of Taxes	894
	Section 36-3-7 - Use of Funds	894
	Section 36-3-8 - Certificate of Registration	895
	Section 36-3-9 - Violation	895
	Article IV – Simplified Telecommunications Tax	
	Section 36-4-1 - Tax Established	896
	Section 36-4-2 - Effective Date	896
	Article V – Electric Utility Tax	
	Section 36-5-1 - Definitions	897
	Section 36-5-2 - Tax Imposed	897
	Section 36-5-3 - Limitation	897.2
	Section 36-5-4 - Additional Tax	897.2

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
36	TAXATION (CONTINUED)	
	Article V – Electric Utility Tax (Continued)	
	Section 36-5-5 - Collection	897.2
	Section 36-5-6 - Return	897.3
	Section 36-5-7 - Credit for Payment Made in Error	897.3
	Section 36-5-8 - Penalty	897.3
	Article VI – Taxpayer’s Rights Code	
	Section 36-6-1 - Title	897.4
	Section 36-6-2 - Scope	897.4
	Section 36-6-3 - Definitions	897.4
	Section 36-6-4 - Notices	897.5
	Section 36-6-5 - Late Payment	897.5
	Section 36-6-6 - Payment	897.5
	Section 36-6-7 - Certain Credits and Refunds	897.5
	Section 36-6-8 - Audit Procedure	897.6
	Section 36-6-9 - Appeal	897.7
	Section 36-6-10 - Hearing	897.8
	Section 36-6-11 - Interest and Penalties	897.8
	Section 36-6-12 - Abatement	897.9
	Section 36-6-13 - Installment Contracts	897.9
	Section 36-6-14 - Statute of Limitations	897.9
	Section 36-6-15 - Voluntary Disclosure	897.10
	Section 36-6-16 - Publication of Tax Ordinances	897.10
	Section 36-6-17 - Internal Review Procedure	897.10
	Section 36-6-18 - Application	897.10
38	UTILITIES	
	Article I - Department Established	
	Section 38-1-1 - Department Established	900
	Section 38-1-2 - Water and Sewer Committee	900
	Section 38-1-3 - Superintendent	900
	Article II - Rates and Regulations	
	Section 38-2-1 - Contract for Utility Services	902
	Section 38-2-2 - Consumer Lists	904
	Section 38-2-3 - Liability for Charges	904
	Section 38-2-4 - Estimated Charge	904
	Section 38-2-5 - No Free Utility Service	904
	Section 38-2-6 - Utility Deposits	905
	Section 38-2-7 - Discontinuance of Water Service	905
	Section 38-2-8 - Reconnection Fee	906
	Section 38-2-9 - Payment of Prior Balances	906
	Section 38-2-10 - No New Service to Persons Owing Charges in Arrears	906
	Section 38-2-11 - Deferred Payment Agreements	906
	Article III - Water System	
	Division I - General Regulations	
	Section 38-3-1 - Application for Taps and Service Connections to the Waterworks System	910
	Section 38-3-2 - All Service to be by Meter	910

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	UTILITIES (CONTINUED)	
	Article III – Water System (Continued)	
	Division I – General Regulations (Continued)	
	Section 38-3-3 - Inspection	910
	Section 38-3-4 - Meter Damaged	910
	Section 38-3-5 - Damage Due to Interruption of Service; Liability	911
	Section 38-3-6 - Resale	911
	Section 38-3-7 - Discontinuing Service - Dangerous Usage	911
	Section 38-3-8 - Electric Ground Wires	911
	Section 38-3-9 - Water for Building or Construction Purposes	912
	Section 38-3-10 - Fire Hydrants	912
	Section 38-3-11 - Limited Water Usage in Emergencies	912
	Section 38-3-12 - Shortage and Purity of Supply	913
	Section 38-3-13 - Non-Compliance with Rules and Regulations	913
	Section 38-3-14 - Easements	913
	Section 38-3-15 - Use of Water on Consumer's Premises	913
	Section 38-3-16 - Removal of Meters	913
	Section 38-3-17 - Rules to Become Part of Contract	914
	Section 38-3-18 - Installing and Maintaining Service Lines	914
	Section 38-3-19 - Allocation of Maintenance Costs Between User and City	914
	Section 38-3-20 - City Not Liable for Interruption of Supply	914
	Division II - Cross-Connection Administration	
	Section 38-3-21 - Approved Backflow Device	916
	Section 38-3-22 - Cross-Connection Prohibited; Exception	916
	Section 38-3-23 - Investigations by Superintendent	916
	Section 38-3-24 - Right to Enter Premises	916
	Section 38-3-25 - Notice to Customer; Reconnect Fee	917
	Section 38-3-26 - Contaminations Cost and the Consumer	917
	Section 38-3-27 - 38-3-30 Reserved	
	Division III - Cross-Connection Control Code	
	Section 38-3-31 - Purpose	918
	Section 38-3-32 - Application	918
	Section 38-3-33 - Responsibility of Owner	918
	Section 38-3-34 - Definitions	918
	Section 38-3-35 - Water System	922
	Section 38-3-36 - Cross-Connection Prohibited	922
	Section 38-3-37 - Survey and Investigations	923
	Section 38-3-38 - Where Protection is Required	924
	Section 38-3-39 - Type of Protection Required	925
	Section 38-3-40 - Backflow Prevention Devices	926
	Section 38-3-41 - Inspection and Maintenance	926
	Section 38-3-42 - Booster Pumps	927
	Section 38-3-43 - Violations and Penalties	927
	Section 38-3-44 - 38-3-52 Reserved	
	Division IV - Extension of Mains	
	Section 38-3-53 - Determination of Who Pays Expense of Extension	929
	Section 38-3-54 - Easements	929
	Section 38-3-55 - Size and Type	929
	Section 38-3-56 - Title	929

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	UTILITIES (CONTINUED)	
	Article III – Water System (Continued)	
	Division V – Potable Water Supply Wells	
	Section 38-3-58 - Prohibition	930
	Section 38-3-59 - Penalties	930
	Section 38-3-60 - Definitions	930
	Section 38-3-61 - Preexisting Use	930
	Article IV - Utility Rates	
	Division I - General	
	Section 38-4-1 - Building Unit Defined	932
	Section 38-4-2 - Revenues	932
	Section 38-4-3 - Accounts	932
	Section 38-4-4 - Notice of Rates	933
	Section 38-4-5 - Access to Records	933
	Section 38-4-6 - Appeals	933
	Section 38-4-7 - 38-4-9 Reserved	
	Division II - Water Rates	
	Section 38-4-10 - Water Tap-On Fees	934
	Section 38-4-11 - Water Rates	934
	Section 38-4-12 - Requested Shut-Off	934
	Section 38-4-13 - 38-4-30 Reserved	
	Division III - Wastewater Service Charges	
	Section 38-4-31 - Basis for Wastewater Service Charges	935
	Section 38-4-32 - Measurement of Flow	936
	Section 38-4-33 - Debt Service Charge	936
	Section 38-4-34 - Basic User Rate	936
	Section 38-4-35 - Surcharge Rate	937
	Section 38-4-36 - Computation of Surcharge	937
	Section 38-4-37 - Computation of Wastewater Service Charge	937
	Article V - Sewer System	
	Division I - Definitions	
	Section 38-5-1 - Definitions	940
	Section 38-5-2 - 38-5-3 Reserved	
	Division II - Use of Public Sewers Required	
	Section 38-5-4 - Deposit of Wastes	945
	Section 38-5-5 - Sewage in Natural Outlet	945
	Section 38-5-6 - Private System, Unlawful	945
	Section 38-5-7 - Connection to System Required	945
	Section 38-5-8 - 38-5-9 Reserved	
	Division III - Private Sewage Disposal	
	Section 38-5-10 - Private Sewage System	946
	Section 38-5-11 - Health Department Approval	946
	Section 38-5-12 - Permit Approval	946
	Section 38-5-13 - Compliance with State Requirements	946
	Section 38-5-14 - Availability of Public Sewer	946

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	UTILITIES (CONTINUED)	
	Article V - Sewer System (Continued)	
	Division III - Private Sewage Disposal (Continued)	
	Section 38-5-15 - Operation of Private System	947
	Section 38-5-16 - Additional Restrictions	947
	Section 38-5-17 - Time Constraints for Public Sewer	947
	Section 38-5-18 - 38-5-20 Reserved	
	Division IV - Building Sewers and Connections	
	Section 38-5-21 - Disturbing System Unlawful	948
	Section 38-5-22 - Compliance with Regulating Authorities	948
	Section 38-5-23 - Classes of Permits	948
	Section 38-5-24 - Cost Borne by Owner	948
	Section 38-5-25 - Separate Sewer: Exception	949
	Section 38-5-26 - Old Building Sewers	949
	Section 38-5-27 - Construction Methods	949
	Section 38-5-28 - Plumbing Code Requirements	949
	Section 38-5-29 - Elevation	950
	Section 38-5-30 - Prohibited Connections	950
	Section 38-5-31 - Connections to Sewer Mains	950
	Section 38-5-32 - Capacity of Sewer	951
	Section 38-5-33 - Tap-In Supervision and Testing	951
	Section 38-5-34 - Inspection	951
	Section 38-5-35 - Public Sewer Connection	951
	Section 38-5-36 - Protection of Property	952
	Section 38-5-37 - Bond Required	952
	Section 38-5-38 - Unlawful Discharges	952
	Section 38-5-39 - 38-5-41 Reserved	
	Division V - Extension of Collecting Sewers	
	Section 38-5-42 - Permit Required; Authorized Personnel	953
	Section 38-5-43 - Extension Permits	953
	Section 38-5-44 - Materials	953
	Section 38-5-45 - Inspections of Construction	954
	Section 38-5-46 - Manholes Required	954
	Section 38-5-47 - 38-5-48 Reserved	
	Division VI - Use of Public Wastewater Facilities	
	Section 38-5-49 - Discharge of Storm Water	955
	Section 38-5-50 - Storm Water	955
	Section 38-5-51 - Regulations of Wastes	955
	Section 38-5-52 - Harmful Effects of Certain Materials	955
	Section 38-5-53 - Harmful Wastes; Approval	957
	Section 38-5-54 - Grease and Oil Interceptors	958
	Section 38-5-55 - Flow-Equalizing Facilities	958
	Section 38-5-56 - Industrial Wastes Control Manhole	958
	Section 38-5-57 - Industrial Waste Testing	958
	Section 38-5-58 - Measurements and Tests	959
	Section 38-5-59 - Special Arrangements	959
	Section 38-5-60 - 38-5-64 Reserved	

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
38	UTILITIES (CONTINUED)	
	Article V - Sewer System (Continued)	
	Division VII - Inspections	
	Section 38-5-65 - Damage	960
	Section 38-5-66 - Inspection and Testing	960
	Section 38-5-67 - Liability of City	960
	Section 38-5-68 - Private Property Inspections	960
	Section 38-5-69 - 38-5-70 Reserved	
	 Division VIII - Penalties	
	Section 38-5-71 - Penalty	961
	Section 38-5-72 - Continued Violations	961
	Section 38-5-73 - Liability to City	961
	Section 38-5-74 - 38-5-80 Reserved	
	 Division IX – Sewer Payment Regulations	
	Section 38-5-81 - Payment for Sewer Service	962
	Section 38-5-82 - Discontinuance of Sewer Service	962
	Section 38-5-83 - Reconnection Fee	962
	Section 38-5-84 - No New Service to Persons Owing Charges in Arrears	962
	Section 38-5-85 - Payment of Prior Balances	962
	Section 38-5-86 - Deferred Payment Agreements	963
	Section 38-5-87 - Civil Suit	963
	Section 38-5-88 - Customer Defined	963
	Section 38-5-89 - 38-5-90 Reserved	
	 Division X – Grease Interceptors and Trap Code	
	Section 38-5-91 - Scope and Purpose	964
	Section 38-5-92 - Definitions	964
	Section 38-5-93 - General Provisions	965
	Section 38-5-94 - Required Maintenance of Grease Interceptors and Traps	967
	Section 38-5-95 - Prohibition on Discharge of Fats, Oils and Grease	968
	Section 38-5-96 - Requirements for Grease Haulers	969
	Section 38-5-97 - Penalties for Violation	969

ALTAMONT, ILLINOIS

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1	Electric Bonds - \$200,000	01/25/71	Special Legislation
2	Zoning - Map	01/25/71	Special Legislation
3	CIPS - Interconnect	02/01/71	Chapter 15
4	Annexation: Reproco	03/22/71	Special Legislation
5	Vacating: Wacker Dr.	03/22/71	Special Legislation
6	Zoning - Map	03/24/71	Special Legislation
7	Administration: Commission	05/10/71	Chapter 1
8	Administration: Commission	05/10/71	Chapter 1
9	Administration: Electric	05/10/71	Chapter 1
10	Administration: Meeting	05/24/71	Chapter 1
11	Appropriation	06/15/71	Special Legislation
12	Cemetery Street Closing	07/26/71	Special Legislation
13	Tax Levy	08/23/71	Special Legislation
14	Administration: Electric Superintendent	10/26/71	Chapter 1
15	Utilities: Water Department	10/26/71	Chapter 38
16	Administration: Water Superintendent	10/26/71	Chapter 1
17	Mobile Housing Permits	12/13/71	Chapter 23
18	Zoning: Map		01/24/72 Special
Legislation			
19	Motor Vehicles: Parking	01/10/72	Chapter 24
20	Appropriation	05/23/72	Special Legislation
21	Utilities: Water Reservoir	07/10/72	Special Legislation
22	Reservoir Bids	07/17/72	Special Legislation
23	Tax Levy	08/28/72	Special Legislation
24	Reservoir: Bids	08/21/72	Special Legislation
25	Water Bonds	09/25/72	Special Legislation
26	Utilities: Water Rates	09/18/72	Chapter 38
27	Vacating: Cemetery Street	10/23/72	Special Legislation
28	Motor Vehicle: Parking	10/23/72	Chapter 24
29	Zoning: Map		12/11/72 Special
Legislation			
30	Oil and Gas Wells	12/11/72	Chapter 28
31	Oil and Gas Wells	02/05/73	Chapter 28
32	Recreation Board	04/30/73	Special Legislation
33	Recreation Board - Repealed	05/04/73	Repeals #32
34	Appropriation	05/29/73	Special Legislation
35	Cemetery	07/09/73	Chapter 9
36	Utilities: Water Regulations	07/09/73	Ch. 38; Art. III
37	Tax Levy	08/27/73	Special Legislation
38	Real Estate Sale	09/10/73	Special Legislation
39	I.M.R.F.	09/24/73	Chapter 1
40	Annexation: Altamont Imp. Co.	10/09/73	Special Legislation
41	Sale of Diesel Engines	10/23/73	Special Legislation

42 Liquor: Minors
43 Not Enacted

11/13/73

Chapter 21

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
44	Vacating Lots	11/20/73	Special Legislation
45	Annexation: Sec. 10	11/73	Special Legislation
46	Zoning: Map		12/10/73 Special
Legislation			
47	Sale of Real Estate	01/28/74	Special Legislation
48	Utilities: Electric Rate	05/29/74	Chapter 38
49	Appropriation	06/10/74	Special Legislation
50	I.M.R.F. Tax	06/10/74	Special Legislation
51	Vacating: Circle Dr.	06/10/74	Special Legislation
52	Recreation: Reservoir	08/26/74	Chapter 31
53	Tax Levy	08/26/74	Special Legislation
54	Utilities: Electric Rate	09/23/74	Chapter 38
55	Zoning Code: Content	09/23/74	Chapter 40
56	Lease from Catholic Church	09/23/74	Special Legislation
57	Sales Tax	10/03/74	Special Legislation
58	Annexation: Avery	10/15/74	Special Legislation
59	Annexation: Beccue	10/15/74	Special Legislation
60	Annexation: School District	10/29/74	Special Legislation
61	Streets: Named	11/25/74	Special Legislation
62	Annexation: Reiss, Evans, Blair	11/25/74	Special Legislation
63	Zoning: Map		12/09/74 Special
Legislation			
64	Sale of Water Tower	12/09/74	Special Legislation
65	Zoning: Map		01/13/75 Special
Legislation			
66	Motor Vehicle: Parking	02/24/75	Chapter 24
67	Vacating: Fifth St.	02/24/75	Special Legislation
68	Election Precincts Established	10/10/75	Special Legislation
69	Annexation: City Property	11/24/75	Special Legislation
70	Annexation: Goers	04/14/75	Special Legislation
71	Administration: Salaries	03/26/75	Chapter 1
72	Administration: Salaries	03/31/75	Chapter 1
73	Appropriation	06/09/75	Special Legislation
74	Recreation Board	05/27/75	Chapter 31
75	Boards: Health	06/09/75	Chapter 4
76	Nuisance: Weeds	06/09/75	Chapter 25
77	Nuisance: Dangerous Buildings	06/09/75	Chapter 25
78	Sale of Old Reservoir	07/22/75	Special Legislation
79	Vacating Alley: Hotz's Addition	08/11/75	Special Legislation
80	Tax Levy	08/25/75	Special Legislation
81	Utilities: Electric Rate	03/08/76	Chapter 38
82	Motor Vehicles: Signs	03/22/76	Chapter 24
83	Motor Vehicles: Speed	03/22/76	Chapter 24
84	Electric System Const.	03/22/76	Special Legislation
85	Electric System Bonds	05/17/76	Special Legislation

86	Appropriation	06/28/76	Special Legislation
87	Telephone Franchise: Contint.	06/14/76	Special Legislation
88	Tax Levy	08/23/76	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
89	Purchase of Grade School	10/05/76	Special Legislation
90	Annexation: Barnfield	11/15/76	Special Legislation
91	Administration: Bids	11/15/76	Chapter 1
92	Motor Vehicles: Parking	11/29/76	Chapter 24
93	CIPS Electric Purchase	01/24/77	Chapter 38
94	Annexation: Eckhardt	06/13/77	Special Legislation
95	Utilities: Sewer	06/27/77	Chapter 38; Art. V
96	Appropriation	06/27/77	Special Legislation
97	Utilities: Water Rates	07/11/77	Chapter 38
98	Tax Levy	08/22/77	Special Legislation
99	Utilities: Sewer Rates	10/31/77	Chapter 38
100	Utilities: Electric Rate	01/31/78	Chapter 38
101	Appropriation	05/22/78	Special Legislation
102	Liquor: Classes	07/10/78	Chapter 21
103	Annexation: Budde	08/14/78	Special Legislation
104	Tax Levy	08/28/78	Special Legislation
105	Liquor: Hours	11/15/78	Chapter 21
106	Liquor Code	12/11/78	Chapter 21
107	Subdivision	04/09/79	Chapter 34
108	Appropriation	05/14/79	Special Legislation
109	Motor Vehicles: Parking	06/25/79	Special Legislation
110	Appropriation	07/23/79	Special Legislation
111	Garbage Fees	08/27/79	Chapter 16
112	Offenses	08/27/79	Chapter 27
113	Offenses	08/27/79	Chapter 27
114	Motor Vehicles: Parking	08/27/79	Chapter 24
115	Liquor: Parks	08/27/79	Chapter 21
116	Tax Levy	08/27/79	Special Legislation
117	Purchase of Grader	07/11/79	No Ordinance
118	Annexation: Feldkamp	12/10/79	Special Legislation
119	Motor Vehicle: Stops	06/09/80	Chapter 24
120	E.P.A. Grant Agreement	06/09/80	Special Legislation
121	Prevailing Wages	06/23/80	Special Legislation
122	Motor Vehicle	07/28/80	Chapter 24
123	Appropriation	07/28/80	Special Legislation
124	Liquor: Parks	07/14/80	Chapter 21
125	Utilities: Water Rate	08/11/80	Chapter 38
126	Utilities: Sewer Rate	08/11/80	Chapter 38
127	Utilities: Electric Rate	08/11/80	Chapter 38
128	Administration: Finance	08/11/80	Chapter 1
129	Tax Levy	08/29/80	Special Legislation
130	Taxation (See No. 135)	09/08/80	Special Legislation
131	Utilities: Electric Rates	09/15/80	Chapter 38
132	Utilities: Water Rates	09/15/80	Chapter 38
133	Street Named	10/27/80	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
134	Liquor: Classes	12/22/80	Chapter 21
135	Taxation (Repeals No. 130)	12/22/80	Special Legislation
136	Street Encroachment	06/08/80	Special Legislation
137	Con. Rail Co. Agreement	06/08/80	Special Legislation
138	Utilities: Electric	06/22/80	Chapter 38
139	Utilities: Sewer Charges	06/27/80	Chapter 38
140	Prevailing Wages	06/22/80	Special Legislation
141	Appropriation	06/27/80	Special Legislation
142	Police Tax Election	06/27/80	Special Legislation
143	Tax Levy	08/31/80	Special Legislation
144	Vacating Alley - Smith	09/14/80	Special Legislation
145	Vacating Streets - W. Adams	09/14/80	Special Legislation
146	Not Used		
147	Prevailing Wages	06/14/82	Special Legislation
148	Appropriation	07/26/82	Special Legislation
149	Vacating: Gate St.	07/26/82	Special Legislation
150	Gas Franchise	07/26/82	Chapter 14
151	Motor Vehicle: Signs	08/09/82	Chapter 24
152	Tax Levy	08/23/82	Special Legislation
153	Utilities: Electric Rate	01/10/83	Chapter 38
154	Election Precincts	02/14/83	Special Legislation
155	Sewer Bonds - \$710,000	04/11/83	Special Legislation
156	Utilities: Sewer Code	04/15/83	Chapter 38
157	Sewer Bond Redemption	04/15/83	Special Legislation
158	Sewer Bonds - (See #155)	06/11/83	Special Legislation
159	Prevailing Wages	06/13/83	Special Legislation
160	Contract with T. White	07/11/83	Special Legislation
161	Appropriation	07/25/83	Special Legislation
162	Tax Levy	08/22/83	Special Legislation
163	Utilities: Sewer Regulations	12/12/83	Chapter 38
164	Encroachment	12/12/83	Special Legislation
165	Ill. Municipal Power Agency	04/09/84	Special Legislation
166	Prevailing Wages	06/11/84	Special Legislation
167	Appropriation	07/23/84	Special Legislation
168	Tax Levy	08/27/84	Special Legislation
169	Contract with Terry White	10/22/84	Special Legislation
170	Vacation of Alley: Conlogue	10/22/84	Special Legislation
171	I.M.E.A. -- Members: Ladd	12/10/84	Special Legislation
172	I.M.E.A. -- Members: Freeburg	12/10/84	Special Legislation
173	Utilities: Electric Rate	01/28/85	Chapter 38
174	Ill. Mun. Risk Assoc.	04/08/85	Ch. 1; Art. IV
175	I.M.E.A.: Carlyle	04/08/85	Special Legislation
176	Prevailing Wages	06/10/85	Special Legislation
177	\$300,000 Ind. Rev. Bonds	06/10/85	Special Legislation
178	Appropriation	07/31/85	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
179	I.M.E.A.	08/12/85	Special Legislation
180	Tax Levy	08/26/85	Special Legislation
181	Electrical Contract: T. White	11/25/85	Special Legislation
182	Traffic Coord: Unit 10	01/27/86	Special Legislation
183	Zoning: Map		03/24/86 Special
Legislation			
184	Flood Plain Code	06/09/86	Chapter 6
185	Prevailing Wages	06/09/86	Special Legislation
186	Appropriation	07/28/86	Special Legislation
187	Tax Levy	08/25/86	Special Legislation
188	Zoning Code		08/25/86 Chapter 40
189	I.M.E.A.: Casey	09/22/86	Special Legislation
190	I.M.E.A.: Marshall	09/22/86	Special Legislation
191	Tree Code	10/14/86	Chapter 35
192	Electrical Contract: T. White	01/26/87	Special Legislation
193	Litigation Settled	01/26/87	Special Legislation
194	Administration: Salaries	02/23/87	Ch. 1; Art. III
195	Electric Sales Contract: I.M.E.A.	05/06/87	Special Legislation
196	Prevailing Wages	06/22/87	Special Legislation
197	I.M.E.A.: Carmi	06/22/87	Special Legislation
198	I.M.E.A.: Flora	06/22/87	Special Legislation
199	I.M.E.A.: Metropolis	06/22/87	Special Legislation
200	Appropriation	07/20/87	Special Legislation
201	Tax Levy	08/24/87	Special Legislation
202	Zoning: Map		09/14/87 Special
Legislation			
203	Zoning: Map		09/14/87 Special
Legislation			
204	Garbage Rates	10/14/87	Chapter 16
205	Administration	10/27/87	Special Legislation
206	Boundaries of City	01/25/88	Special Legislation
207	Library	02/08/88	Chapter 20
208	Electrical Contract: T. White	03/14/88	Special Legislation
209	Public Safety: Police	06/13/88	Chapter 30
210	Prevailing Wages	06/13/88	Special Legislation
211	Appropriation	06/13/88	Special Legislation
212	Tax Levy	08/22/88	Special Legislation
213	Prevailing Wages	06/12/89	Special Legislation
214	Appropriation	06/26/89	Special Legislation
215	Easement Agreement: St. Paul's	07/25/89	Special Legislation
216	Zoning: Map		08/14/89 Special
Legislation			
217	Garbage Rate	09/12/89	Chapter 16
218	Litigation Settled	09/11/89	Special Legislation
219	I.M.E.A.: Roodhouse	09/25/89	Special Legislation

220	Liquor Code	10/23/89	Chapter 21
221	Tax Levy	10/23/89	Special Legislation
222	Utilities: Sewer Code	05/14/90	Chapter 38
223	Prevailing Wages	06/25/90	Special Legislation

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

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
268			
269	Garbage Regulations	05/09/95	Ch. 16; Art. I
270	Prevailing Wages	06/26/95	Special Legislation
271	Appropriation	07/10/95	Special Legislation
272	Appropriation	07/25/95	Special Legislation
273	Zoning	08/14/95	Special Legislation
274	Gas Franchise	08/28/95	Chapter 15
275	Flood Plain Code	09/11/95	Chapter 14
276	Tax Levy	09/11/95	Special Legislation
277	Easement: Wolff	09/11/95	Special Legislation
278	Easement Purchase	12/11/95	Special Legislation
279	Nuisance	12/26/95	Chapter 25
280	I.M.E.A. - Red Bud	03/11/96	Special Legislation
281	Annexation	04/22/96	Special Legislation
282	Prevailing Wages	06/24/96	Special Legislation
283	Taxation: Utility	07/08/96	Chapter 36
284	Flood Plain Code	07/22/96	Chapter 14
285	Appropriation	07/22/96	Special Legislation
286	Street: Permits	09/09/96	Chapter 33
287	Tax Levy	09/09/96	Special Legislation
288	I.M.E.A. - Greenup	10/28/96	Special Legislation
289	Real Estate: Lease	12/23/96	Special Legislation
290	Natural Gas Franchise - Tras	01/27/97	Sec. 15-1-1
291	Dangerous Buildings Declared	03/24/97	Special Legislation
292	Annexation	05/12/97	Special Legislation
293	Annexation	05/12/97	Special Legislation
294	Annexation	05/12/97	Special Legislation
295	Taxation: Motel/Hotel	05/27/97	Ch. 36; Art. III
296	Boards/Commissions: Tourism	05/27/97	Ch. 4; Art. II
297	Prevailing Wages	06/23/97	Special Legislation
298	Appropriation	07/28/97	Special Legislation
299	Electric Rates	07/28/97	Chapter 11
300	Revised Code Adopted	08/11/97	New Code
301	Tax Levy	1997	Special Legislation
302	Electric System: Rates	1997	Chapter 11
303	Taxation: Electric Utility	1997	Ch. 36; Art. V
304	Electric System: Rates	1998	Chapter 11
305	Taxation: Telecommunications	1998	Ch. 36; Art. IV
305-98	Revised Code	1998	New Code
306	Annexation: Banquet Hall	1998	Special Legislation
307	Annexation: East Hwy 40 – Sapps	1998	Special Legislation
308	Prevailing Wage	1998	Special Legislation
309	Appropriation	1998	Special Legislation
310	Tax Levy	1998	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
311	IMEA	1998	Special Legislation
312-98	Liquor	1998	Section 21-2-6
313-98	Motor Vehicles	1998	Section 24-6-4
314	IMEA	1999	Special Legislation
315-99	Purchase of Property	1999	Special Legislation
316-99	Annexation: Mayfair Village	1999	Special Legislation
317-99	Mowing Service Agreement	1999	Special Legislation
318-99	Prevailing Wage	1999	Special Legislation
319-99	Administration: Gift Ban	1999	Ch. 1; Art. VI
320-99	Appropriation	1999	Special Legislation
321-99	Nuisances: Dangerous Buildings	1999	Special Legislation
322-99	Tax Levy	1999	Special Legislation
323-99	Vacation of Subdivision	1999	Special Legislation
324-99	Annexation: Baptist Church	1999	Special Legislation
325-99	Appropriation	1999	Special Legislation
326-99	Administration: Investment Policy	1999	Ch. 1; Art. V
327-99	Purchase of Easement	1999	Special Legislation
328-00	Business: Adult Oriented	2000	Ch. 7; Art. II
329-00	Taxation	2000	Repealed #303
330-00	Prevailing Wage	2000	Special Legislation
331-00	Appropriation	2000	Special Legislation
332-00	Enterprise Zone	2000	Special Legislation
333-00	Addition to Street	2000	Special Legislation
334-00	Tax Levy	2000	Special Legislation
335-00	Motor Vehicles: Weight Limit	10/24/00	Ch. 24; Schd. "J"
336-00	Appropriation	2000	Special Legislation
337-00	G.O. Bonds	2000	Special Legislation
338-01	Taxation: Taxpayers Rights Code	02/12/01	Ch. 36; Art. VI
339-01	Taxation: Electric Utility	02/12/01	Ch. 36; Art V
340-01	Motor Vehicles: Signs	03/12/01	Ch. 24 Schedules
341-01	Addition to Street	2001	Special Legislation
342-01	G.O. Bonds	2001	Special Legislation
343-01	Bank Revenues	2001	Special Legislation
344-01	G.O. Bonds	2001	Special Legislation
345-01	Administration: Salaries	06/25/01	Section 1-3-1
346-01	Prevailing Wage	2001	Special Legislation
347-01	Appropriation	2001	Special Legislation
348-01	Garbage: Service Charge	09/10/01	Secs. 18-2-8; 18-2-10
349-01	Cable TV	09/24/01	Chapter 8
350-01	Vacation of Street	2001	Special Legislation
351-01	Tax Levy	2001	Special Legislation
352-01	Abate Tax Levy	2001	Special Legislation
353-01	Vacation of Street	2001	Special Legislation
354-02	Enterprise Zone	2002	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
355-02	Prevailing Wage	2002	Special Legislation
356-02	Appropriation	2002	Special Legislation
357-02	Annexation: Cemetery	2002	Special Legislation
358-02	Annexation	2002	Special Legislation
359-02	Appropriation	2002	Special Legislation
360-02	Tax Levy	2002	Special Legislation
361-03	Lease of Space	2003	Special Legislation
362-03	Power Sales Contract Addendum	2003	Special Legislation
363-03	Abate Tax Levy	2003	Special Legislation
364-03	Administration: Appointments	05/12/03	Chapter 1
365-03	Motor Vehicles: Solicitation	06/09/03	Section 24-6-4
366-03	Vacation of Street	2003	Special Legislation
367-03	Prevailing Wage	2003	Special Legislation
368-03	Appropriation	2003	Special Legislation
369-03	Utilities: Water Rates	08/11/03	Section 38-4-11
370-03	Utilities: Deposits	08/25/03	Section 38-2-6
371-03	Business Code	09/08/03	Ch. 7; Art. III
372-03	Tax Levy	2003	Special Legislation
373-03	Abate Tax Levy	2003	Special Legislation
374-03	Annexation	2003	Special Legislation
375-03	Motor Vehicles: Engine Brakes	11/10/03	Section 24-4-11
376-03	Liquor: Closing Hours	11/24/03	Section 21-3-1
377-03	Enterprise Zone	2003	Special Legislation
378-03	Enterprise Zone	2003	Special Legislation
379-04	Enterprise Zone	2004	Special Legislation
380-04	Garbage: Fees	02/23/04	Secs. 18-2-8; 18-2-10
381-04	Motor Vehicles: Signs	03/08/04	Ch. 24 Schedules
382-04	Taxation: Telecommunications	03/08/04	Ch. 36; Art. IV
383-04	Business: Garage Sales	03/08/04	Ch. 7; Art. IV
384-04	Utilities: Bulk Water	04/26/04	Section 38-4-11(C)
385-04	Administration: Ethics Code	05/10/04	Ch. 1; Art. VI
386-04	Prevailing Wage	2004	Special Legislation
387-04	Utilities: Water Wells	06/14/04	Chapter 38
388-04	Administration: Appointments	06/14/04	Chapter 1
389-04	Utilities: Tap-On Fees	06/14/04	Sec. 38-4-10(A)
390-04	Appropriation	2004	Special Legislation
391-04	Motor Vehicles: Signs	10/11/04	Ch. 24 Schedules
392-04	Tax Levy	2004	Special Legislation
393-04	Tax Levy	2004	Special Legislation
394-04	Utilities: Water Services	11/08/04	Chapter 38
395-05	Motor Vehicles: Signs	01/10/05	Ch. 24; Schd. "A"; "B"; "C"; "E"
396-05	Electric: Rates	03/28/05	Section 11-1-1
398-05	Sewers	04/25/05	Chapter 38
401-05	Utilities: Sewer Tap-On	06/27/05	Section 38-5-23(C)

EXHIBIT "A"

CHAPTER I

ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

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

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

1-1-3 **AMENDMENTS.** Any ordinance amending this City Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be semiannually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semiannual basis. **(See 65 ILCS Sec. 5/1-3-5)**

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

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

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

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

DIVISION II - SAVING CLAUSE

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

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

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

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

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

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

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

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

CITY CLERK'S CERTIFICATE

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

I, Helen Moll, City Clerk of the **City of Altamont, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the City of Altamont, Illinois of 1997**, published by authority of the City Council were duly passed by the City Council of the **City of Altamont, Illinois**, signed by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office, as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **City of Altamont, Illinois**, this 11th day of August, 1997.

HELEN MOLL
CITY CLERK
CITY OF ALTAMONT

(SEAL)

1-1-13 - 1-1-14 RESERVED.

DIVISION III - DEFINITIONS

1-1-15 **CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

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

1-1-16 **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"WRITTEN" AND "IN WRITING" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. **(See 65 ILCS Sec. 5/1-1-2)**

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

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

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

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

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

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

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

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

(F) A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in parks or along public highways or the maintenance of public facilities. **(See 65 ILCS Sec. 5/1-2-1)**

1-1-21 MINOR VIOLATIONS PENALTY.

(A) Any person accused of a violation of any Section of this Code **except Chapter 24** entitled **"Motor Vehicles"** may settle and compromise the claim by paying to the City the sum of **Twenty-Five Dollars (\$25.00)** within **ten (10) days** from the time such alleged offense was committed or by paying to the City Clerk the sum of **Fifty Dollars (\$50.00)** subsequent to said **ten (10) day** period and prior to such person being issued a complaint or notice to appear.

(B) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in **Section 1-1-20** of this Code.

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

1-1-23 APPLICATION.

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

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

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

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

1-1-25 LICENSE. When a person is convicted of a violation of any section of this Code, any license previously issued to him by the City may be revoked by the court or by the City Council.

ARTICLE II - COMMISSIONERS

DIVISION I - GENERALLY

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

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

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

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

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

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

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

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

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

DIVISION II - CITY ADMINISTRATION AND OFFICIALS

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

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

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

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

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

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

1-2-13 DEPARTMENT OF PUBLIC AFFAIRS.

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

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

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

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

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

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

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

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

1-2-14 DEPARTMENT OF ACCOUNTS AND FINANCES.

(A) **Commissioner's Duties.** The Commissioner of Accounts and Finances shall be Superintendent of the Department of Accounts and Finances, and shall have charge of and supervision over all accounts and records of the City and in all matters relating to the accounts and finances of the City, in addition to the accounts and records of

the City Clerk, and City Treasurer, their offices or departments, plus all officers, boards or departments required to keep or make accounts, records, and reports.

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

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

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

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

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

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

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

(G) **Annual Appropriation.**

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

He shall show the aggregate income of the preceding fiscal year from all sources, the amount of any unexpended appropriation of the preceding year, the amount of liabilities outstanding upon which interest is to be paid, and of the bonds and City debts

payable during the year, when due and when payable, and shall also embody in such report such matters as by law or ordinance are required, so that the Council may fully understand the many exigencies of the City for the current year.

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

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

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

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

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

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

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

1-2-16 COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS - GENERAL POWERS AND DUTIES - SUBORDINATES. The Commissioner of Streets and Public Improvements shall have authority over and charge of all streets and

public places; the construction and reconstruction of all street improvements, paving, curbing, sidewalks, storm sewers, and all other public improvements, and of the repair thereof, unless otherwise provided by law, or ordinance.

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

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

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

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

[See previous section for joint responsibilities.]

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

DIVISION III - RULES OF THE CITY COUNCIL

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

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

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

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

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

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

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

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

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

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

(F) **Temporary Suspension of Rules - Amendment of Rules.**

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

(G) **Censure of Members - Expulsion of Members.**

Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Council, or who does not obey the order of the City Council or the order of the Chair shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3)** vote of all members elected. **(See 65 ILCS Sec. 5/3.1-40-15)**

1-2-21 SMOKING PROHIBITED. There shall be no-smoking in the Municipal Building, except in the Police Department.

1-2-22 RESERVED.

DIVISION IV - ORDINANCES

1-2-23 ORDINANCES.

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

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

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

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

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

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

DIVISION V - GENERAL PROVISIONS

1-2-26 CORPORATE SEAL.

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

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

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

1-2-27 ELECTIONS.

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

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

1-2-28 MUNICIPAL OFFICERS - REGULATIONS.

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

(B) **Qualifications; Appointive Office.**

(1) No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the municipality or otherwise provided by law.

(2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed city treasurers, or to appointed city collectors (unless the City has designated by ordinance that the City Clerk shall also hold the office of collector). **(See 65 ILCS Sec. 5/3.1-10-6)**

(C) **Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and

with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. **(See 65 ILCS Sec. 5/3.1-10-30)**

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the City. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk. **(See 65 ILCS Sec. 5/3.1-10-35)**

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

(F) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the City. All officers of the City entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the Council prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the City Treasury.

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

(H) **Conservators of Peace.**

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

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

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

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

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

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

(See 65 ILCS Sec. 5/4-1-1)

(See "Administration of Oaths")

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

1-2-30 QUALIFICATIONS; ELECTIVE OFFICE.

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

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

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

1-2-31 BONDS OF CITY OFFICERS.

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

(1)	Mayor	\$100,000.00
(2)	Clerk/Treasurer	\$110,000.00
(3)	City Commissioner	\$3,000.00
(4)	Treasurer	\$3,000.00
(5)	Deputy City Clerk	\$110,000.00

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

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

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

1-2-32 LIABILITY INSURANCE.

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

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

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

1-2-33 BIDDING AND CONTRACT PROCEDURES.

(A) **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services

shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Ten Thousand Dollars (\$10,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **four (4)** of the **five (5) Commissioners** then holding office.

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

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

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

(F) **Bid Opening Procedure.**

(1) **Sealed.** Bids shall be submitted sealed to the City and shall be identified as bids on the envelope.

(2) **Opening.** Bids shall be opened in public at the time and place stated in the public notice.

(3) **Tabulation.** A tabulation of all bids received shall be made by the City Council or by a City employee, in which event, a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

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

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

(I) **Award of Contract.**

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

(2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:

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

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

- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - (d) The quality of the performance of previous contracts or services;
 - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
 - (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
 - (i) The number and scope of conditions attached to the bid.
- (3) **Performance Bonds.** The City Council shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the City.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Ten Thousand Dollars (\$10,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

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

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

(M) **Cooperative Purchasing.** The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. **(See 65 ILCS Sec. 5/4-5-11, 8-9-1 and 8-9-2)**

1-2-34 PECUNIARY INTEREST IN CONTRACTS -- PROHIBITION.

(A) No municipal officer shall be interested, directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract, work or business of the municipality, or in the sale of any article, whenever the expense, price and consideration of the contract, work business or sale is paid either from the treasury or by any assessment levied by any statute or ordinance. No municipal officer shall be interested, directly or indirectly, in the purchase of any property which:

- (1) belongs to the municipality, or
- (2) is sold for taxes or assessments, or
- (3) is sold by virtue of legal process at the suit of the municipality.

(B) However, any elected or appointed member of the governing body and any person serving on a municipal advisory panel or commission may provide materials, merchandise, property, services or labor, if:

- (1) the contract is with a person, firm, partnership, association, corporation or cooperative association in which such interested member of the governing body of the municipality or advisory panel or commission member has less than a seven and one-half percent (7 1/2%) share in the ownership; and
- (2) in the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and
- (3) in the case of an elected or appointed member of the governing body, such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum; and
- (4) such contract is approved by a majority vote of those members presently holding office; and
- (5) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds **One Thousand Five Hundred Dollars (\$1,500.00)**, but the contract may be awarded without bidding if the amount is less than **One Thousand Five Hundred Dollars (\$1,500.00)**; and
- (6) the award of the contract would not cause the aggregate amount, of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Twenty-Five Thousand Dollars (\$25,000.00)**.

(C) In addition to the above exemption, any elected or appointed member of the governing body and any person serving on a municipal advisory panel or commission may provide materials, merchandise, property, services or labor if:

- (1) the award of the contract is approved by a majority vote of the governing body of the municipality provided that, in the case of an elected or appointed member of the governing body, any such interested member shall abstain from voting; and
- (2) the amount of the contract does not exceed **Two Thousand Dollars (\$2,000.00)**; and

- (3) the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Four Thousand Dollars (\$4,000.00)**; and
- (4) in the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning present for the purposes of establishing a quorum.

(D) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this Section by one (1) or more members of the governing body being an officer or employee of the public utility company or holding interest if no more than **seven and one-half percent (7 1/2%)** in the public utility company, or holding an ownership interest of any size if the municipality has a population of less than **seven thousand five hundred (7,500)** and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body having such an interest shall be deemed not to have a prohibited interest under this Section.

(E) Any officer who violates this Section is guilty of a violation of this Code and in addition thereto any office held by such person so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(F) Nothing contained in this Section, including the restrictions set forth in subsections (B), (C) and (D), shall preclude a contract or deposit of monies, loans or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the municipality are interested in such bank or savings and loan association as an officer or employee or as a holder of less than **seven and one-half percent (7 1/2%)** of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this Act. Such interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the municipality. **(See 65 ILCS Sec. 5/3.1-55-10)**

1-2-35 SALARIES REGULATION.

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

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

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

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

1-2-36 CLAIMS.

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

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

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

1-2-38 EXPENSES - REIMBURSEMENT. Each member of the corporate authorities may receive reimbursement from the municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. (See 65 ILCS Sec. 5/3.1-50-15(B))

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

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

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

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

1-2-41 ILLINOIS MUNICIPAL RETIREMENT FUND.

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

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

1-2-42 - 1-2-46 RESERVED.

DIVISION VI - CITY CLERK

1-2-47 APPOINTMENT OF CLERK. At the first regular meeting after the general election of the City Council, the City Clerk shall be elected by a majority vote, for a **four (4) year term**, and shall serve until his successor is appointed and has qualified. The City Clerk shall be under the supervision of the Commissioner of Accounts and Finances. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-30-5)**

1-2-48 COUNCIL MINUTES - RECORDS. The City Clerk shall attend all meetings of the City Council and shall keep in a suitable book to be styled, "**The Journal of the City Council**", a full and faithful record of its proceedings. The City Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the City Council and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage and when published, of the publication of such ordinance. The Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded, when the same was entered of record and the book and pages where recorded. **(See 65 ILCS Sec. 5/1-2-5 and 5/3.1-35-90)**

1-2-49 DELIVERY OF PAPERS TO OFFICERS. The Clerk shall deliver to the members of the City Council and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. He shall also, without delay, deliver to the Mayor all ordinances or resolutions, orders and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS Sec. 5/3.1-35-90)**

1-2-50 PREPARATION OF DOCUMENTS; COMMISSIONS; LICENSES. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

1-2-51 REPORT OF LICENSES. The Clerk shall report to the City Council at its regular meetings each month and oftener if the Council so requires the data contained in his license register, with respect to licenses issued during the previous month.

1-2-52 **LICENSE PLATES.** In all cases where the City requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation and the licensee is required to obtain from the Clerk, plates, tags or stickers, it shall be the duty of the Clerk to deliver such plates, tags or stickers free to the person paying the license fee.

1-2-53 **ADMINISTRATION OF OATHS.** The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS Sec. 5/3.1-15-20)**

1-2-54 **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued or purchased or paid or canceled; the book or books shall show the fact; and in his annual report, the City Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof. **(See 65 ILCS Sec. 5/3.1-35-110)**

1-2-55 **REPORTS.** On or before the first meeting in each month, the City Clerk shall make out and submit to the Council a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from what sources and on what account moneys were received, and for what purpose, and on what account the warrants were drawn or paid.

1-2-56 **SUCCESSOR.** The City Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to his office, and not in actual use and possession of other City officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office.

1-2-57 **DEPUTY CLERK.** There is hereby created the office of Deputy Clerk. The Deputy Clerk shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk and shall affix the seal of the City thereto whenever required.

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

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

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

1-2-58 PAYMENTS. The City Clerk shall prepare weekly, an itemized list of all moneys received and shall deliver a copy of the same to the City Treasurer and shall also pay over to the Treasurer all moneys received by him and take a receipt therefor. **(Ord. No. 1161; 10-02-86)**

1-2-59 WARRANT REGISTER. The Clerk shall keep an accurate register of warrants drawn upon the Treasury, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable. **(See 65 ILCS Sec. 5/8-1-8)**

1-2-60 FINANCES. Under the direction of the Department of Accounts and Finances, the Clerk shall open and keep a complete set of books, in which, among other things, shall be set forth the appropriations of the fiscal year for which each distinct object and branch of expenditures and also, the receipts from each and every source of revenue so far as he can ascertain the same.

1-2-61 APPROPRIATION. The City Clerk shall, on or before May 15th or as soon thereafter as possible, submit to the Council a report of his estimates as near as may be of the monies necessary to defray the expenses of the City during the current fiscal year, classifying the different objects and giving as nearly as may be the amounts required for each and for this purpose, the Clerk is authorized to require of the City officers their statements of the condition and expenses of their respective departments; also for proposed improvements and the probable expense thereof, and also of the contracts already made and unfinished. He shall show the aggregate income of the preceding fiscal year from all sources, the amount of any unexpended appropriation of the preceding year, the amount of liabilities outstanding upon which interest is to be paid, and of the bonds and City debts payable during the year, when due and payable, and shall also embody in such report such matters as by law or ordinance are required, so that the Council may fully understand the many exigencies of the City for the current year.

1-2-62 **NOTIFICATION TO PERSONS APPOINTED.** The Clerk, within **five (5) days** after the result of an election is decided or an appointment is made, shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-2-63 **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law, resolution or ordinance of the City Council.

1-2-64 - 1-2-67 **RESERVED.**

DIVISION VII - CITY TREASURER

1-2-68 **FINANCE DEPARTMENT.** The Commissioner of Accounts and Finances shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-69 **APPOINTMENT OF TREASURER.** At the first regular meeting after the general election of the City Council, the City Treasurer shall be appointed by the Commissioner of Accounts and Finances by a majority vote, for a **four (4) year** term, and shall serve until his successor is appointed and has qualified. The City Treasurer shall be under the supervision of the Commissioner of Accounts and Finances. **(See 65 ILCS Sec. 5/4-5-6)**

1-2-70 **SEPARATION OF FUNDS.** The Treasurer shall keep all moneys in his hands belonging to this City separate and distinct from his own money, and he shall not use, either directly or indirectly, the City moneys or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this Section shall subject him to removal from office by the City Council. **(See 65 ILCS Sec. 5/3.1-35-55)**

1-2-71 **BOND.** The Treasurer shall give bond, conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect or wrongful act on his part; and the amount of such bond shall be not less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than **one and one-half (1 1/2) times** the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(See 65 ILCS Sec. 5/3.1-10-45)**

1-2-72 **BOOKKEEPING; PAYROLL.** The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Department of Accounts and Finances of the Council.

1-2-73 STATEMENTS. Unless otherwise provided, the Treasurer shall report to the City Council at the first monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by the City Clerk's books, up to the time of the report. **(See 65 ILCS Sec. 5/3.1-35-45)**

1-2-74 ANNUAL ACCOUNTS; PREPARATION AND FILING; CONTENTS; PUBLICATION. Within **six (6) months** after the end of each fiscal year, the Treasurer shall annually prepare and file with the City Council an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show in such account the following:

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

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

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

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

Upon receipt of such account from the Treasurer, the Clerk shall publish the account at least once in **one (1)** or more newspapers published in the municipality. **(See 65 ILCS Sec. 5/3.1-35-65)**

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

1-2-75 DEPOSIT OF FUNDS.

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

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

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

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

- (1) General obligation securities of the United States of America or of the State of Illinois.
- (2) Certificates of Deposit and Time Deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.
- (3) Money Market Accounts.
- (4) Short term discount obligations of the Federal National Mortgage Association.
- (5) The following banks and/or Savings and Loan Associations are hereby designated as places of deposit where the Treasurer is required to keep all funds and moneys in his custody belonging to this municipality:
 - (a) First Mid-Illinois Bank and Trust
 - (b) The Illinois Public Treasurer's Investment Pool, Springfield, IL
 - (c)

1-2-76 - 1-2-80 **RESERVED.**

DIVISION VIII - CITY ATTORNEY

1-2-81 **POSITION ESTABLISHED.** There is hereby created the office of City Attorney shall also serve as Corporation Counsel. The City Attorney shall have full charge of the law affairs of the City and shall receive reasonable fees for services rendered.

1-2-82 **PROSECUTE FOR CITY.** The City Attorney shall prosecute or defend on behalf of the City, in all cases in which the interests of the corporation or any officer thereof are involved; and the City Clerk shall furnish him with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

1-2-83 **PREPARATION OF ORDINANCES.** He shall, when required, advise the Council or any officer in all matters of law in which the interests of the corporation are involved, and he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Council, or any committee thereof.

1-2-84 **JUDGMENTS.** He shall direct executions to be issued upon all judgments recovered in favor of the City, and he shall direct their prompt service. He shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the City therefore.

1-2-85 **DEPARTMENT ADVISOR.** He shall act as the legal advisor for the Water and Sewer Departments, for the Plan Commission, for the Zoning Board of Appeals and he shall perform the legal services required of the Departments and/or Boards and Commissioners.

1-2-86 **VIOLATIONS OF ORDINANCES.** He shall institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

1-2-87 **PROSECUTION OF SUITS.** He shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable.

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

1-2-88 - 1-2-89 **RESERVED.**

DIVISION IX - CITY ENGINEER

1-2-90 **APPOINTMENT.** The Mayor with the advice and consent of the City Council shall appoint the City Engineer at the **first (1st) meeting** in May after the general consolidated election.

1-2-91 **OATH.** Before entering upon the duties of his office, he shall take the oath prescribed by law for all City officers.

1-2-92 **MAPS, PLATS AND RECORDS.** The City Engineer shall keep accurate maps, plats and records of all public works, lands or property owned by the City.

1-2-93 **DUTIES.** He shall advise the Council on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto, such other duties as from time to time may be imposed upon him by the Council.

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

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

1-2-94 - 1-2-95 **RESERVED.**

DIVISION X - SUPERINTENDENT OF PUBLIC WORKS

1-2-96 **OFFICE CREATED.** There is hereby created the office of Superintendent of Public Works, an executive office of the City. The Superintendent of Public Works shall be appointed by the Mayor with the advice and consent of the City Council. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-97 **STREETS.** The Superintendent shall have charge of the construction and care of all public streets, alleys and driveways in the City, and with keeping the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

1-2-98 **DEPARTMENT EMPLOYEES.** All employees assigned to the Superintendent of Public Works shall perform their duties subject to the orders and under the supervision of the Superintendent.

1-2-99 **PROPERTY CUSTODIAN.** The Superintendent shall be the custodian of all property of the City which is not assigned to the care or custody of any other commissioner or department.

1-2-100 **OTHER DUTIES.** In addition to the above he shall manage all projects assigned to him by the City Council.

1-2-101 - 1-2-105 **RESERVED.**

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

DIVISION XI

CODE ENFORCEMENT OFFICER--ZONING ADMINISTRATOR

1-2-106 **CREATION OF POSITION.** There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be appointed by the Mayor with the advice and consent of the City Council. The Zoning Administrator shall also serve as the building inspector, flood plain inspector, and as the code enforcement officer. Additional duties shall be outlined in the Zoning Administrator's job description and may be amended from time to time by the City Council.

1-2-107 **DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect, in accordance with the powers and duties therein set forth, and in furtherance of such authority shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III - SALARIES

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

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

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

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

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

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

(F) **I.M.E.A. Representative.** The Commissioner appointed to be the Illinois Municipal Electric Association representative shall receive a salary of **Two Thousand Five Hundred Dollars (\$2,500.00)** per year.

(Ord. No. 345-01; 06-25-01)
(See 65 ILCS Sec. 5/4-6-1)

ARTICLE IV - MANAGEMENT ASSOCIATION

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

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

(Ord. No. 174; 04-08-85)

ARTICLE V – INVESTMENT POLICY

1-5-1 **SCOPE OF INVESTMENT POLICY.** This Investment Policy applies to the investment activities of the City of Altamont (hereinafter referred to as the “Municipality”) except for the Police and Fire Pension Funds, if any, which are subject to the Board of Trustees of those particular funds. All financial assets of other funds, including the General Fund, Special Revenue Funds, Capital Project Funds, Debt Service Funds, Enterprise Funds, Trust and Agency Funds, and any other funds that may be created, shall be administered in accordance with the provisions of this policy.

1-5-2 **INVESTMENT OBJECTIVES.** The overall direction of the Municipality Investment Policy may be found in the following objectives, which have been prioritized and explained to clearly identify the results expected.

(A) Safety of principal is the foremost objective of the Investment Policy. Investments of the Municipality shall be undertaken in a manner that seeks to ensure the preservation of capital. Each investment transaction shall seek to first insure that capital losses are avoided, whether they be from securities defaults or erosion of market value.

(B) **Return on Investment.** The Municipality’s investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the Municipality’s investment risk constraints and the cash flow characteristics of the portfolio.

(C) **Diversification.** In order to further guarantee asset safety, the Municipality shall diversify investments to avoid incurring unreasonable risks from the practice of concentrating investments in specific security types and/or individual financial institutions.

(D) Public confidence in the Investment program is imperative. The Municipality will avoid any transaction that might impair public confidence. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs. Such standard, therefore, avoids unwarranted speculation; emphasis is placed on the probable safety of capital rather than the probable income to be derived.

1-5-3 **RESPONSIBILITY FOR THE INVESTMENT PROGRAM.** The establishment of investment policies is the responsibility of the corporate authorities of the Municipality. Management and administrative responsibility for the investment program of the Municipality is hereby delegated to the Municipality Treasurer or his/her designate. The Municipality Treasurer or his/her designate shall prepare and follow written procedures for the operation of the Investment Program, be responsible for all transactions undertaken, and shall establish a system of accounting controls to safeguard Municipality assets. The Municipality Treasurer or his/her designate, may from time to time amend the written procedures in a

manner not inconsistent with this Policy or with State law. The responsibility for investment activities of the Police and Fire Pension Funds, if any, rests with the Board of Trustees of those funds.

1-5-4 CASH MANAGEMENT. The Municipality Treasurer or his/her designate shall prepare written cash management procedures which shall include, but not be limited to, the following:

(A) **Receipts.** All monies due the Municipality shall be collected as promptly as possible. Monies that are received shall be deposited in an approved financial institution no later than the next business day after receipt by the Municipality. Amounts that remain uncollected after a reasonable length of time shall be subject to any available legal means of collection previously approved by the Corporate Authorities. One of the objectives of the Municipality's cash management procedures is to comply with the provisions of Illinois law, which mandates prompt investment of funds.

(B) **Disbursements.** Any disbursement to suppliers of goods and/or services or to employees for salaries and wages shall be contingent upon available budget appropriations.

(C) **Financial Forecast.** At least annually, a financial forecast will be prepared using expected revenue sources and items of expenditure to project cash requirements for future years of the Municipality. An analysis will be prepared for both operating and non-operating revenues and expenditures. These analyses will provide a guide for determining the length and amount of investments.

(D) **Pooling of Cash.** Except where otherwise provided by the Corporate Authorities, the Municipality Treasurer or his/her designate will be authorized to pool the cash of various funds to maximize investment earnings where in his/her opinion it is advantageous and prudent to do so. Investment income will be allocated to the various funds based upon their respective participation.

1-5-5 ACCOUNTING. The assets, liabilities, revenues and expenditures of each fund are maintained as separate entities on the full or modified accrual basis. All investment transactions shall be recorded in accordance with generally accepted accounting principles as promulgated by the Government Accounting Standards Board. Accounting principles will include:

(A) Investments will be carried at cost or amortized cost which approximates market value.

(B) Any premium or discount on investment will be amortized over the life of the investment.

(C) Gains or losses of investments in all funds will be recognized at the time of disposition of the security.

1-5-6 FINANCIAL INSTITUTIONS. It shall be Municipality policy to select financial institutions on the following basis:

(A) **Security.** The Municipality shall maintain funds in a financial institution only if that institution is federally insured or invests strictly in securities which have the full faith and credit of the U.S. Government.

(B) **Location.** Every attempt will be made to invest Municipality funds locally provided local institutions are price competitive with respect to rates of return on comparable investment products.

(C) **Size.** The Municipality will not maintain deposits in any financial institution in which the Municipality funds on deposit will exceed **fifty percent (50%)** of the institution's capital stock and surplus.

(D) **Statement of Condition.** The Municipality will maintain for public and managerial inspection, current statements of condition for each financial institution named as depository. If, for any reason the information furnished is considered by the Municipality to be insufficient, the Municipality may request additional information.

1-5-7 INVESTMENT SELECTION. The Municipality may invest in any type of security allowed for in Illinois Statutes regarding the investment of public funds. Approved investments include:

(A) Bonds, notes, certificates of indebtedness, treasury bills, or other securities, including obligations of the Government National Mortgage Association and Federal National Mortgage Association which are guaranteed as to principal by the full faith and credit of the government of the United States of America.

(B) Interest bearing savings accounts, interest bearing certificates of deposit or interest bearing time deposits or any other investment constituting direct obligations of any institution as defined by the Illinois Banking Act and that is insured by the Federal Deposit Insurance Corporation.

(C) Illinois Public Treasurer's Investment Pool.

1-5-8 PROCEDURES ON CERTIFICATES OF DEPOSIT. In obtaining competitive quotations for certificates of deposit at least **three (3)** qualified institutions will be contacted each time an investment is placed. In no instance shall an investment be placed without the authority of the Treasurer.

Investments shall be placed with the institution that best exhibits the ability to meet the investment criteria and objectives in this policy.

1-5-9 DIVERSIFICATION AND MATURITIES. In order to reduce the risk of default, no financial institution shall hold more than **fifty percent (50%)** of the Municipality's investment portfolio at the current time of investment placement, exclusive of United States Treasury securities or Governmental National Mortgage securities held in safekeeping.

Maturities of investments shall be selected to enable the Municipality to have available sufficient cash for all operating purposes.

1-5-10 **COLLATERAL.** It shall be Municipality policy to encourage that all funds on deposit in banks in excess of FDIC limits be secured by some form of collateral. Direct investments guaranteed by the United States or an agency of the United States do not require collateral.

The Municipality shall enter into a collateral agreement with any financial institution willing to pledge paid collateral; this agreement shall outline the types of assets that may be pledged as collateral, the amount of collateral required and the placement procedures. The Municipality shall accept any of the following securities as collateral:

- (A) Negotiable obligations of the United States Government.
- (B) Negotiable obligations of any agency or instrumentality of the United States Government guaranteed by the full faith and credit of the United States Government.

Pledged collateral will be held by the Municipality or in safekeeping and evidenced by a safekeeping agreement. The collateral agreement will preclude the release of the pledged assets without authorized signatures of the Treasurer, but the agreement may allow for an exchange of collateral of like value.

1-5-11 **INTERNAL CONTROLS.** Where deemed necessary, the Treasurer or his/her designate shall establish a system of internal controls, which shall be documented in writing. These internal controls and this Investment Policy shall be reviewed by an independent, certified public accountant in conjunction with the annual examination of the financial statements of the Municipality. The controls shall be designed to prevent losses of the Municipality funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees.

1-5-12 **REPORTING.** The Treasurer shall submit a monthly cash and investment report to the Corporate Authorities for review.

The Comprehensive Annual Financial Report shall include all investment information as promulgated by the Government Accounting Standards Board.

The Treasurer or his/her designate shall periodically suggest policies and improvements that might be made in the investment program.

1-5-13 **STANDARDS OF PRUDENCE.** The standard of prudence to be used by the employees responsible for the investment of public funds shall be the "prudent person" standard, subject to the foregoing limitations, which states:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons knowledgeable of investment practices, and persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the possible income to be derived. The above standard is established as the standard of professional responsibility and shall be applied in the context of managing the Municipality investment portfolio. This policy recognizes that there are circumstances beyond the control of even the most prudent investor which impact the return obtained. However, officials and employees of the Municipality acting in accordance with this Investment Policy and written procedures as may be established and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that deviations from expectation are reported in a timely fashion, and appropriate action is taken to control adverse developments.

(Ord. No. 326-99; 12-27-99)

ARTICLE VI – ETHICS CODE

1-6-1 DEFINITIONS. For purposes of this Article, the following terms shall be given these definitions:

“Campaign for Elective Office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (**10 ILCS 5/1-3**).

“Collective Bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (**5 ILCS 315/3**).

“Compensated Time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

“Compensatory Time Off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

“Contribution” has the same meaning as that term is defined in Section 9-1.4 of the Election Code (**10 ILCS 5/9-1.4**).

“Employee” means a person employed by the City, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Employer” means the City of Altamont.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

“Leave of Absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

“Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political Activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Political Organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited Political Activity” means:

(A) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(B) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(C) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(D) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(E) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(F) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(G) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(H) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(I) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(J) Preparing or reviewing responses to candidate questionnaires.

(K) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(L) Campaigning for any elective office or for or against any referendum question.

(M) Managing or working on a campaign for elective office or for or against any referendum question.

(N) Serving as a delegate, alternate, or proxy to a political party convention.

(O) Participating in any recount or challenge to the outcome of any election.

“Prohibited Source” means any person or entity who:

(A) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(B) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(D) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

1-6-2 PROHIBITED POLITICAL ACTIVITIES.

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee’s duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit

System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

1-6-3 **GIFT BAN.** Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

1-6-4 **EXCEPTIONS.** Section 1-6-1 is not applicable to the following:

(A) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

1-6-5 DISPOSITION OF GIFTS. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

1-6-6 ETHICS ADVISOR. The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City. The duties of the Ethics Advisor may be delegated to an officer or employee of the City unless the position has been created as an office by the City.

The Ethics Advisor shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.

1-6-7 ETHICS COMMISSION.

(A) There is hereby created a commission to be known as the Ethics Commission of the City. The Commission shall be comprised of **three (3) members**

appointed by the Mayor with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the City.

(B) At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. **Two (2)** commissioners shall serve **two (2) year** terms, and the third commissioner shall serve a **one (1) year** term. Thereafter, all commissioners shall be appointed to **two (2) year** terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any **two (2)** commissioners. A quorum shall consist of **two (2)** commissioners, and official action by the Commission shall require the affirmative vote of **two (2) members**.

(C) The Mayor, with the advice and consent of the City Council, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (10) days'** notice. Vacancies shall be filled in the same manner as original appointments.

- (D) The Commission shall have the following powers and duties:
- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
 - (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with **Section 1-6-8(C)** of this Article and refer violations of **Section 1-6-2** or **Section 1-6-3** of this Article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.
 - (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.
 - (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the City to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
 - (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

(E)

Complaints.

- (1) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.
- (2) Within **three (3) business days** after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within **three (3) business days** after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (3) Upon not less than **forty-eight (48) hours'** public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within **seven (7) business days** after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of **Section 1-6-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within **four (4) weeks** after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public. If the complaint is deemed sufficient to allege a violation of **Section 1-6-2** of this Article, then the Commission shall notify in writing the attorney designated by the Corporate

Authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

- (4) On the scheduled date and upon at least **forty-eight (48) hours'** public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- (5) Within **thirty (30) days** after the date the hearing or any recessed hearing is concluded, the Commission shall either:
 - (a) dismiss the complaint or
 - (b) issue a recommendation for discipline to the alleged violator and to the Mayor or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.
- (6) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within **seven (7) business days** after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within **fourteen (14) days** after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least **forty-eight (48) hours'** public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within **seven (7) days** thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Mayor or impose a fine upon the violator, or both.
- (7) If a complaint is filed during the **sixty (60) days** preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (5) within **seven (7) days** after the complaint is filed, and during the **seven (7) days** preceding that election, the Commission shall render such decision before the date of that election, if possible.
- (8) The Commission may fine any person who intentionally violates any provision of **Section 1-6-3** of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of

this Article in an amount of not less than **One Thousand**

One Dollars (\$1,001.00) and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may recommend any appropriate discipline up to and including discharge.

- (9) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.

1-6-8 **PENALTIES.**

(A) A person who intentionally violates any provision of **Section 1-6-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B) A person who intentionally violates any provision of **Section 1-6-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D) A violation of **Section 1-6-2** of this Article shall be prosecuted as a criminal offense by an attorney for the City by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of **Section 1-6-3** of this Article may be prosecuted as a quasi-criminal offense by an attorney for the City, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 1-6-2** or **1-6-3** of this Article is subject to discipline or discharge.

(Ord. No. 385-04; 05-10-04)

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

3-1-1 DEFINITIONS.

“ANIMAL” shall mean any animal, other than man, which may be affected by rabies.

“ANIMAL CONTROL WARDEN” means any person appointed by the Mayor and approved by the City Council to perform duties as assigned by the Mayor to effectuate this Code.

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

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

“CONFINED” means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.

“DEPARTMENT OF AGRICULTURE” means the Department of Agriculture of the State of Illinois.

“DOG”. Whenever "dog" is used in this Code it shall include any canine, female as well as a male dog, regardless of age.

“HAS BEEN BITTEN” means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

“INOCULATION AGAINST RABIES” means the injection of an anti-rabies vaccine approved by the Department.

“LEASH” means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

“OWNER”. For the purpose of this Code, the word "owner" means a person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him.

“RESTRAINT”. A dog is under "restraint" within the meaning of this Code if he is controlled by a leash; at "heel" beside a responsible person; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

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

“SHELTER”, as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat and made of a durable material.

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

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

3-1-2 INJURY TO PROPERTY.

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

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

3-1-3 MANNER OF KEEPING.

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

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

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

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

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

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

3-1-5 CRUELTY TO ANIMALS PROHIBITED.

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

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

3-1-6 EXHIBITING WILD OR VICIOUS ANIMALS.

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

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

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

(D) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

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

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

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

(B) **Limitation; Exception.**

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

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

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

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

ARTICLE II - DOGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-2-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS. Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **fourteen (14) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the **fourteen (14) days** no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled.

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

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

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

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

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

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

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

ARTICLE III - VICIOUS AND DANGEROUS DOGS

3-3-1 **DEFINITIONS.** For purposes of this Article:

(A) **“Vicious dog”** means:

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

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

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

(B) **“Dangerous dog”** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C) **“Enclosure”** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

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

(E) **“Found to Be Vicious Dog”** means:

- (1) that the Administrator, an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of Subsection (A) and, based on that finding, the

- Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or
- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

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

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

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

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

3-3-3 **OWNER'S RESPONSIBILITY.** If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **seven (7) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

No owner or keeper of a vicious dog shall sell or give away the dog.

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

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

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

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

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

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

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I - PLAN COMMISSION

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

4-1-2 **MEMBERSHIP.** The Plan Commission shall consist of **seven (7) members;** said members to be residents of the City, appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the City Council.

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

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

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

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

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

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

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

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

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

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

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

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

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the City. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map

with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the City or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. (See **65 ILCS Sec. 5/11-12-12**)

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

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

- (A) To regulate and limit the height and bulk of buildings hereafter to be erected.
- (B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or flood water runoff channel or basin.
- (C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.
- (D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
- (E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this Section.
- (F) To fix standards to which buildings or structures therein shall conform.
- (G) To prohibit uses, buildings, or structures incompatible with the character of such districts.
- (H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

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

ARTICLE II - TOURISM ADVISORY BOARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 7

BUSINESS CODE

ARTICLE I - RAFFLE CODE

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

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

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

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

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

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

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

7-1-3 **LICENSE REQUIRED.** No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this City without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the Illinois Compiled Statutes. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year period** a bona fide membership engaged in carrying out their objectives or to a non-profit fundraising organization that the licensing

authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. **(See 230 ILCS Sec. 15/2)**

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

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

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

(D) Any license issued under this Code shall be non-transferable.

7-1-4 APPLICATIONS FOR LICENSE. The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the City upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk with the seal of his office affixed thereto.

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

(A) The name and address of the organization;

(B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;

(C) The length of time the organization has continually existed immediately before making application for a license;

(D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;

(E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;

(F) The amount that the organization plans to charge for each raffle chance issued or sold;

(G) The time and location where the raffle is to be held;

(H) The purpose for which the proceeds of the raffle will be used;

(I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;

(J) The last date which the applicant has applied for a raffle license;

(K) The area in which the organization plans to sell or issue its raffle chances;

(L) Whether or not the applicant has ever been convicted of a felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7-1-8 RECORDS.

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

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

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

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

7-1-9 LIMITED CONSTRUCTION. Nothing in this Code shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

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

(See 230 ILCS Sec. 15/2)

ARTICLE II – ADULT ORIENTED BUSINESSES

7-2-1 PURPOSE AND FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate adult oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult oriented businesses within the City. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

(B) **Findings.** Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 60 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *North Avenue Novelties Incorporated v. City of Chicago*, 88 F.3d.441 (7th Cir. 1996), and *Excalibur Group, Inc. v. City of Minneapolis*, 116 F.3d 1216 (CA8 1997), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on finding from the Report of the Attorney General's Working Group On The Regulation of Adult Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds:

- (1) Adult oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (2) Certain employees and patrons of adult oriented businesses defined in this Article as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees and patrons of other establishments.
- (3) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- (4) Offering and providing such space encourages such activities, which creates unhealthy conditions.

- (5) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (6) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, Hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (8) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (9) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (10) Sanitary conditions in some adult oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (11) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses where persons view "adult" oriented films.
- (12) The findings noted in paragraphs number 1 through 11 raise substantial and legitimate governmental concerns.
- (13) Adult oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial and legitimate governmental concerns.
- (14) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the adult oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the adult oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is

the actual operator of the adult oriented business, fully in possession and control of the premises and activities occurring therein.

- (15) Prohibiting of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
- (16) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult oriented business, where such information is substantially related to the significant government interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
- (17) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Article is designed to prevent or who are likely to be witnesses to such activity.
- (18) There are certain operational characteristics of adult oriented businesses that have adverse effects (noted herein) on communities, including but not limited to the advertisement of adult oriented business through the use of large signs, which contribute to the blighting and/or downgrading of surrounding property.
- (19) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Article.
- (20) Due to the adverse secondary effects (noted herein) on communities, it is reasonable and necessary to impose reasonable time, place and manner restrictions on adult oriented businesses in the form of zoning and locational regulations contained in this Article, and that these regulations are tailored to advance the legitimate governmental interest of avoiding, to the extent possible, the impact of such harmful and adverse secondary effects on the community while ensuring that such regulations do not unreasonably limit alternative avenues of communications.
- (21) Based on City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), and North Avenue Novelties Incorporated v. City of Chicago, 88 F.3d 441 (7th Cir. 1996), the City further finds that this Article, while advancing the legitimate and substantial governmental interest of protecting property values, preventing increases in crime, and protecting the health, safety and welfare of the community, does not unreasonably limit alternative

avenues of communication for adult oriented businesses and that the Proposed Ordinance does provide a reasonable opportunity to disseminate speech to the extent that:

- (a) No adult oriented businesses presently exist within the corporate boundaries of the City of Altamont, Illinois; and,
 - (b) Over the past **five (5) years**, the City of Altamont, Illinois has received no inquiry regarding the location of an Adult Oriented Business in the City of Altamont, Illinois, and that none have located within the City of Altamont, Illinois; and,
 - (c) Based on review of available land within the City, there is ample area for the location of Adult Oriented Businesses and adequate alternative channels for dissemination of speech consistent with that speech disseminated in Adult Oriented Businesses; and,
 - (d) The areas available for the location of adult oriented businesses are presently served by adequate public utilities and infrastructure, or such areas can be readily served with such public utilities and infrastructure if and when the need for the development of such areas arises.
- (22) Increased criminal activity in areas where adult oriented businesses operate, including increased property crimes (vagrancy, vandalism, burglary, larceny, auto theft), violent crimes (murder, rape, robbery and assault) and sex crimes (prostitution, rape, indecent exposure, child molestation). Due to the increase in criminal activity, insurance rates also increased.
- (23) Substantial depreciation in neighborhood property values occurs where adult oriented business are located.
- (24) Tendency of local citizenry to avoid areas where adult oriented businesses are located. These studies noted that patrons of adult oriented businesses are typically not residents of nearby neighborhoods, and that without community identity, behavior is less inhibited which contributes to increased criminal activity. The studies also noted that the owners of adult oriented businesses are typically not residents of the community in which the adult oriented business is located.
- (25) The location of adult oriented businesses near establishments selling alcoholic beverages compounds the problem of increased criminal activity.
- (26) Increased public health hazards due to illicit sexual encounters in adult oriented businesses, including but not limited to sexual

encounters within "peep show booths", used condoms littering the streets and sidewalks, and increased prostitution.

- (27) Adult oriented businesses cause and increase in noise, lighting and traffic during late night hours.
- (28) The City will be best able to buffer the harmful secondary effects of adult oriented businesses on surrounding areas by imposing reasonable design controls on the appearance and image of adult oriented businesses.
- (29) Those findings made in the prefatory portion of this Article are hereby adopted.

7-2-2 **DEFINITIONS.** The following words shall have the meanings specified in this Section; to-wit:

(A) **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to **five (5)** or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

(B) **Adult Bookstore, Adult Novelty Store or Adult Video Store** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- (2) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(C) **Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) persons who appear in a state of nudity or semi-nude; or
- (2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(D) **Adult Motel** means a hotel, motel or similar commercial establishment which:

- (1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- (2) offers a sleeping room for rent for a period of time that is less than **ten (10) hours**; or
- (3) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than **ten (10) hours**.

(E) **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(F) **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features person who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

(G) **Employee** means a person who performs any service on the premises of an adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(H) **Escort** means a person who, for consideration and/or payment, offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(I) **Escort Agency** means a person or business or association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

- (J) **Establishment** means and includes any of the following:
- (1) the opening or commencement of any adult oriented business as a new business;
 - (2) the conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;
 - (3) the additions of any adult oriented business to any other existing adult oriented business; or
 - (4) the relocation of any adult oriented business.

(K) **Licensee** means a person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business.

(L) **Nude Model Studio** means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Illinois or a college, community college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation; or in a structure:

- (1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (2) where in order to participate in a class a student must enroll at least **three (3) days** in advance of the class; and
- (3) where no more than **one (1)** nude or semi-nude model is on the premises at any one time.

(M) **Nudity, State of Nudity** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(N) **Person** means an individual, proprietorship, partnership, limited liability company, corporation, association, or other legal entity.

(O) **Semi-Nude, Semi-Nude Condition** means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(P) **Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of payment or consideration:

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(Q) **Adult Oriented Business** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.

(R) **Specified Anatomical Areas** means:

- (1) the human male genitals in a discernibly turgid state, even if completely and opaquely covered, or
- (2) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(S) **Specified Sexual Activities** means any of the following:

- (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (3) excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

(T) **Substantial Enlargement** of an adult oriented business means the increase in floor areas occupied by the business by more than **twenty-five percent (25%)**, as the floor areas exist on the date this Article takes effect.

(U) **Transfer of Ownership or Control** of an adult oriented business means and includes any of the following:

- (1) the sale, lease, or sublease of the business;
- (2) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

7-2-3 CLASSIFICATION. The term "adult oriented business" shall mean, include, and are classified as follows:

- (A) adult arcades;
- (B) adult bookstores, adult novelty stores, or adult video stores;
- (C) adult cabarets;
- (D) adult motels;
- (E) adult motion picture theaters;
- (F) adult theaters;
- (G) escort agencies;

- (H) nude model studios; and
- (I) sexual encounter centers.
- (J) Adult Entertainment Facilities as defined in **65 ILCS 5/11-5-1.5**.

7-2-4 **LICENSE REQUIRED.**

(A) It is unlawful:

- (1) For any person to operate an adult oriented business without a valid adult oriented business license issued by the City pursuant to this Article.
- (2) For any person who operates an adult oriented business to employ a person to work for the adult oriented business who is not licensed as an adult oriented business employee by the City pursuant to this Article.
- (3) For any person to obtain employment with an adult oriented business without having secured an adult oriented business employee license pursuant to this Article.

(B) An application for an adult oriented business license must be made on a form provided by the City.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information as to enable the City to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a **ten percent (10%)** or greater ownership interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a licensee if a license is granted.

(E) The completed application for an adult oriented business license shall contain the following information and shall be accompanied by the following documents:

- (1) If the applicant is:
 - (a) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
 - (b) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and addresses of all officers,

- directors and stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
- (d) a limited liability company, the company shall state its complete name, the date of its organization, evidence that the company is in good standing under the laws of its state of organization, the names and addresses of all members and managers of the company, and the name of the registered company agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the adult oriented business under a name other than that of the applicant he or she must state:
 - (a) the adult oriented business' fictitious name and
 - (b) submit the registration documents required under applicable state law to operate under a fictitious name.
 - (3) Whether the applicant has had a previous license under this Article or other similar adult oriented business ordinance from another city, county or unit of local government within the United States of America denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation, or a member or manager of a limited liability company that is licensed under this Article whose license has previously been denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 - (4) Whether the applicant holds any other licenses under this Article or other similar adult oriented business ordinance from another city, county or other unit of local government within the United States of America, and if so, the names and locations of such other licensed businesses.
 - (5) The single classification of license for which the applicant is filing.
 - (6) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone number(s), if any.
 - (7) The applicant's mailing address.
 - (8) A recent photograph of the applicant(s).

- (9) The applicant's driver's license number, social security number, and/or his/her/its state or federally issued tax identification number.
- (10) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, prepared by a professional architect, engineer or similar professional. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus **six (5) inches**.
- (11) A plat prepared within **thirty (30) days** prior to application by a registered land surveyor and/or professional engineer depicting the property lines and the structures containing any existing adult oriented businesses within **one thousand (1,000) feet** of the proposed adult oriented business location, the property lines and location of any religious institution/synagogue, school, establishment selling or offering for sale alcoholic beverages, residential structure, place of public accommodation, restaurant, or public park or recreation area within **one thousand (1,000) feet** of the proposed adult oriented business location. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (12) If an applicant wishes to operate an adult oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than **one hundred fifty (150) square feet** of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in **Section 7-2-14**.

(F) Before any applicant may be issued an adult oriented business employee license, the applicant shall submit on a form to be provided by the City the following information:

- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
- (2) Age, date, and place of birth;
- (3) Height, weight, hair and eye color;
- (4) Present residence address and telephone number;
- (5) Present business address and telephone number;
- (6) Date, issuing state and number of driver's permit or other identification card information;
- (7) Social Security Number; and
- (8) Proof that the individual is at least **eighteen (18) years** of age.

(G) Attached to the application form for an adult oriented business employee license as provided above, shall be the following:

- (1) A color photograph of the applicant clearly showing the applicant's face.
- (2) A statement detailing the license history of the applicant for the **five (5) years** immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

7-2-5 **ISSUANCE OF LICENSE.**

(A) Upon the filing of said application for an adult oriented business employee license, the City shall issue a temporary license to said applicant. The application shall then be referred to the City Police Department for an investigation to be made on such information as is contained on the application. The application process shall be completed within **thirty (30) days** from the date the completed application is filed. After the investigation, the City shall issue a license, unless it is determined by the City by a preponderance of the evidence that one or more of the following findings is true:

- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- (2) The applicant is under the age of **eighteen (18) years**;
- (3) The adult oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this Article; or
- (4) The applicant has had an adult oriented business employee license revoked by the City within **two (2) years** of the date of the current application. If the adult oriented business employee license is denied, the temporary license previously issued shall be immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this Section shall be subject to appeal as set forth in **Section 7-1-10**.

(B) A license granted pursuant to this Section shall be subject to annual renewal upon the written application of the applicant as stated herein.

(C) Within **thirty (30) days** after receipt of a completed adult oriented business application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) An applicant is under **eighteen (18) years** of age.
- (2) An applicant or a person with whom applicant is residing is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (4) An applicant has been denied a license by the City to operate an adult oriented business within the preceding **twelve (12) months** or whose license to operate an adult oriented business has been suspended or revoked within the preceding **twelve (12) months**.
- (5) The premises to be used for the adult oriented business have not been approved by the City and as being in compliance with applicable laws and ordinances.
- (6) The license fee required by this Article has not been paid.
- (7) An applicant of the proposed adult oriented business is in violation of or is not in compliance with any of the provisions of this Article.

(D) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult oriented business and the classification for which the license is issued pursuant to **Section 7-2-3**. All licenses shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that they may be easily read at any time.

(E) The Fire Department and the City shall complete their certification that the premises is in compliance or not in compliance with applicable laws and ordinances within **thirty (30) days** of receipt of the application by the City.

(F) An adult oriented business license shall be issued for only one classification as found in **Section 7-2-3**.

7-2-6 FEES.

(A) Every application for an adult oriented business license or adult oriented business employee license (whether a new license or for renewal of an existing license) shall be accompanied by a **Five Hundred Dollar (\$500.00)** non-refundable application and investigation fee.

(B) In addition to the application and investigation fee required above, every adult oriented business and an adult oriented business employee that is granted a license (new or renewal) shall pay to the City an annual non-refundable license fee of **One Thousand Dollars (\$1,000.00)** within **thirty (30) days** of license issuance or renewal.

(C) All license applications and fees shall be submitted to the City Clerk of the City.

7-2-7 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, and Effingham County Health Department to inspect the premises of an adult oriented business for the purpose of insuring compliance with this Article at any time the premises is open for business.

(B) A person who operates an adult oriented business, or his agent or employee, commits a Class C Misdemeanor, punishable by a fine of **Five Hundred Dollars (\$500.00)**, if the person refuses to permit such lawful inspection of the premises at any time it is open for business.

7-2-8 EXPIRATION OF LICENSE.

(A) Each license shall expire **one (1) year** from the date of issuance and may be renewed only by making application as provided in **Section 7-2-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date, and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) When the City denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least **ninety (90) days** have elapsed since the date denial became final.

7-2-9 SUSPENSION.

(A) The City shall suspend a license for a period not to exceed **thirty (30) days** if the City determines that a licensee or an employee of a licensee has:

- (1) violated or is not in compliance with any section of this Article;
- (2) refused to allow an inspection of the adult oriented business premises as authorized by this Chapter.

7-2-10 REVOCAION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-2-9** occurs and the license has been suspended within the preceding **twelve (12) months**.

- (B) The City shall revoke a license if the City determines that:
- (1) A licensee gave false or misleading information in the material submitted during the application process;
 - (2) A licensee has knowingly allowed possession, use, or sale of controlled substances or alcoholic beverages on the premises;
 - (3) A licensee has knowingly allowed prostitution on the premises;
 - (4) A licensee knowingly operated the adult oriented business during a period of time when the licensee's license was suspended;
 - (5) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or

(C) When the City revokes a license, the revocation shall continue for **one (1) year**, and the licensee shall not be issued an adult oriented business license for **one (1) year** from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation have been corrected or abated, the applicant may be granted a license if at least **ninety (90) days** have elapse since the date the revocation became effective.

(D) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

7-2-11 **TRANSFER OF LICENSE.** A license granted under this Article shall be deemed non-transferable. A licensee shall not transfer or attempt to transfer his/her/its license to another, nor shall a license operate an adult oriented business under the authority of a license at any place other than the address on the license, or for the classification designated on the license.

7-2-12 **LOCATION OF ADULT ORIENTED BUSINESSES AND SIGNAGE.**
(A) Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within **one thousand (1,000) feet** of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private school or educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, community colleges, and universities; school includes the school grounds;

- (3) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City or park district;
- (4) The property line of a lot devoted to a residential use;
- (5) Any premises licensed pursuant to the alcoholic liquor control regulations of the State of Illinois and the City of Altamont, if any, as amended from time to time.
- (6) Place of public accommodation or restaurant.

(B) Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within **one thousand (1,000) feet** of another adult oriented business.

(C) 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.

(D) For the purpose of **Section 7-2-12(A)**, 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 city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(E) For the purposes of **Section 7-2-12(B)**, 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.

(F) 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 **Section 7-2-12(B)** within **one thousand (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.

(G) **Sign Requirement for All Adult Oriented Business.** 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 be **one (1) square foot** of sign per foot of lot frontage on the street fronting the premises.
- (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 **one (1) square foot** sign may be placed on the entrance to the premises stating the hours of operation of the adult oriented business and admittance to adults only.

7-2-13 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated **two (2)** or more times in a period of time that is less than **ten (10) hours** creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Article.

(B) A person commits a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult oriented license, he rents or subrents a sleeping room to a person and, within **ten (10) hours** from the time the room is rented, he rents or subrents the same sleeping room again.

(C) For purposes of **Section 7-2-13(B)**, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

7-2-14 REGULATIONS PERTAINING TO EXHIBITION OF ADULT EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS.

(A) A person who operates or causes to be operated an adult oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than **one hundred fifty (150) square feet** of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for an adult oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed **thirty-two (32) square feet** of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall be required; each diagram should be oriented to the north or to some identifiable street or object and should be drawn to an identifiable scale or with marked dimensions sufficient to show

the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus **six (6) inches**. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
- (4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations identifiable, then the interior of the premises shall be configured in such manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Section must be by direct line of sight from the manager's station.
- (6) It shall be the duty of the licensee to ensure that the view area specified in **Section 7-2-14(A)(5)** remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been identifiable as an area in which patrons will not be permitted in the application filed pursuant to **Section 7-2-14(A)(1)**.
- (7) No viewing room may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access.
- (9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.
- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

- (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition Council or other porous material shall be used.

(B) A person having a duty under **Section 7-2-14(A)(1)** through **Section 7-2-14(A)(14)** above commits a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) if he knowingly fails to fulfill that duty.

7-2-15 ADDITIONAL REGULATIONS FOR ESCORT AGENCIES.

(A) An escort agency shall not employ any person under the age of **eighteen (18) years**.

(B) A person commits a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) if the person acts as an escort or agrees to act as an escort for any person under the age of **eighteen (18) years**.

7-2-16 ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIO.

(A) A nude model studio shall not employ any person under the age of **eighteen (18) years**.

(B) A person under the age of **eighteen (18) years** commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Section if the person under **eighteen (18) years** was in a restroom not open to public view or visible to any other person.

(C) A person commits a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

7-2-17 ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY.

(A) It shall be a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) for a person who knowingly and intentionally, in an adult oriented business, appears in a state of nudity or depicts specified sexual activities.

(B) It shall be a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) for an employee, while semi-nude in an adult oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in an adult oriented business.

(C) It shall be a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) for an employee, while semi-nude, to touch a customer or the clothing of a customer.

7-2-18 PROHIBITION AGAINST CHILDREN IN AN ADULT ORIENTED BUSINESS. A person commits a Class C Misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) if the person knowingly allows a person under the age of **eighteen (18) years** on the premises of an adult oriented business.

7-2-19 HOURS OF OPERATION. No adult oriented business, except for an adult motel, may remain open at any time between the hours of **1:00 A.M.** and **8:00 A.M.** on weekdays and Saturdays, and **1:00 A.M.** and **Noon (12:00) P.M.** on Sundays.

7-2-20 EXEMPTIONS.

(A) It is a defense to prosecution under **Section 7-2-17** that a person appearing in a state of nudity did so in a modeling class operated:

- (1) by a proprietary school, licensed by the State of Illinois; a college, community college, or university supported entirely or partly by taxation, or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation; and,
- (2) in a structure:
 - (a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) where, in order to participate in a class a student must enroll at least **three (3) days** in advance of the class; and
 - (c) where no more than one nude model is on the premises at any one time.

7-2-21 INJUNCTION. A person who operates or causes to be operated an adult oriented business without a valid license or in violation of **Section 7-2-12** of this Article

is subject to a suit for injunctive and/or declaratory relief in a court of competent jurisdiction, as well as prosecution for criminal violations. Such violations shall be deemed a Class C Misdemeanor punishable by a fine of **Five Hundred Dollars (\$500.00)**. Each day an adult oriented business so operates is a separate offense or violation.

(See 65 ILCS 5/11-60-1; 5/11-60-2; 5/11-5-1.5; and 5/11-5-4)

(Ord. No. 328-00; 02-28-00)

ARTICLE III

SOLICITORS, ITINERANT MERCHANTS, VENDORS, PEDDLERS
AND CANVASSERS

7-3-1 **DEFINITIONS.** For purposes of this Article, the following words shall be defined as follows:

"Solicitor" means any person (1) soliciting or attempting to solicit or take orders, from house to house, building to building, or upon any street, highway or sidewalk within the City, for any goods, wares or merchandise, foodstuffs, services, or insurance of any type or description, subscriptions to books, magazines, periodicals, newspapers or any other kind of publication, or other sale of property or services; or (2) seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

"Itinerant Merchant" means any person, either principal or agent who engages in or conducts, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise with the intention of continuing such business in the City of a period of not more than **one hundred twenty (120) days** and who, for the purchase of carrying on such business, uses, leases or occupies either in whole or in part a room, building or other structure for the exhibition and sale of such goods, wares and merchandise. The provision of this Article shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample or for future delivery, nor to sales made by farmers or others of goods, wares and merchandise which are products of the soil and grown, prepared and marketed thereof, but shall apply to all others on the streets or peddlers on foot or from vehicles of any goods, wares and merchandise of whatsoever or character within the City.

"Vendor" means any person who sells or offers consumable items upon any of the public streets, avenues or places in this City from stands, wagons, baskets or from any automobile or truck. The provisions of this Article shall not apply to persons doing business from stands at regularly established houses or stores provided such stands do not protrude more than **two (2) feet** from the lot line of such store.

"Peddler" means any person selling or attempting to sell any goods, wares, merchandise or services of any kind and nature, being carried on or transported for immediate delivery or performance from house to house, building to building, or upon any street, highway or sidewalk within the City.

"Canvasser" means any person interviewing, examining or obtaining information, or attempting to do so, from house to house, building to building, or upon any street, highway or sidewalk within the City.

7-3-2 REQUIRED: POSSESSION, RETURN UPON EXPIRATION
REQUIRED. No person shall engage in soliciting, peddling or canvassing from persons in a residence within this City or in a public place (except if such merchandise is for the sale to a business within the City of a merchandise necessary for the furtherance of the business), without having been issued a valid permit, as hereunder provided, by the City Clerk and/or Chief of Police of the City. The permit shall be in the possession of the solicitor, vendor, itinerant merchant, peddler, or canvasser and shall be displayed immediately upon confronting any person for the act thereof.

Within **five (5) days** of termination of the permit, the person so registered will be required to return the permit to the City Clerk and/or Chief of Police. Failure of any such person to comply will be grounds for refusal of issuance of any subsequent permits to such person for purposes of soliciting under this Article.

Any person who loses or otherwise does not have possession of the permit and cannot turn the permit back to the City Clerk and/or Chief of Police shall deliver to the City Clerk and/or Chief of Police an affidavit, in a form satisfactory to the City that possession of the permit no longer exists and such person will be required to pay a fee of **Five Dollars (\$5.00)** for processing of this affidavit.

7-3-3 LEAVE PREMISES WHEN REQUESTED. Any solicitor or peddler who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

7-3-4 UNLAWFUL CONDUCT. It is hereby declared to be unlawful, and shall constitute a nuisance, for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage or attempt to engage in the business of soliciting, peddling or canvassing, as herein defined, if not registered and in possession of a valid permit as required by this Article.

7-3-5 HOURS AND DAYS OF OPERATION. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered pursuant to this Article or not, to engage in soliciting, peddling or canvassing at residences before **9:00 A.M.** and after **5:00 P.M.** of any weekday, or at any time on a Sunday or on a state or national holiday, except at the prior invitation or request of the occupant.

7-3-6 FALSE REPRESENTATION. Any solicitor, itinerant merchant, vendor, peddler or canvasser who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a

solicitor, itinerant merchant, vendor, peddler or canvasser in the City or who shall sell, barter or peddle any goods or merchandise, or wares other than those specified in application for a permit shall be subject to punishment as provided in this Article and the City Clerk and/or Chief of Police may revoke his permit for such offense.

7-3-7 WAIVER OF REQUIREMENTS FOR LOCAL CHARITABLE SOLICITATION, COMMUNITY OR RELIGIOUS IN NATURE. The registration requirements of this Article may be waived by the City Clerk and/or Chief of Police in those instances where it is determined, following an investigation made upon receipt of an application by an organization complying with the conditions of this Section, that the proposed solicitation is to be a single solicitation effort conducted for or on behalf of a charitable or nonprofit association, organization or project solely by residents of this or immediately neighboring municipalities who shall not be compensated for conducting such solicitation and who have not violated any provisions of this Article which would otherwise cause a revocation of a registration certificate. No solicitation pursuant to this Section shall be made in violation of the limitations of this Article.

The requirement that a permit be obtained shall not apply to:

- (A) Such organizations as the Boy Scouts, Girl Scouts;
- (B) School-sponsored functions of schools located within the City and neighboring communities;
- (C) Religious organizations;
- (D) Regularly established routemen with regularly established routes within the City, or other persons having an established list of customers within the City whom they make periodic deliveries;
- (E) Any retail merchant, located in the City who solicits orders for his goods, wares or merchandise or for services on a continuing and ongoing basis;
- (F) Officers or employees of the City, county, state or federal government, or any subdivision thereof, when on official business;
- (G) Persons soliciting or canvassing for purposes of promoting a political candidate, party, or public policy issue with respect to a referendum on the ballot at an upcoming election;
- (H) The canvass for the United States Census or other similar census;
- (I) Trick or treating on Halloween.

7-3-8 APPLICATION FOR PERMIT. Application for a permit required by this Article shall be made upon a form provided by the City Clerk and filed with the City Clerk and/or Chief of Police **ten (10) days** prior to the issuance of a permit. The applicant shall truthfully state in full the information requested on the application, to wit:

- (A) The applicant's name and present address, and length of residence at such address, business address if other than residence address; and social security number.
- (B) A copy of applicant's drivers license and that of each individual acting on behalf of the applicant.
- (C) The applicant's address or place of residence during the past **three (3) years**, if other than his present address.
- (D) The age of the applicant and marital status; and, if married, the name of spouse.
- (E) A physical description of applicant.
- (F) The name and address of the person, firm or corporation or association by whom the applicant is employed or represents; and the length of time of such employment or representation.
- (G) The name and address of the applicant's employer during the past **three (3) years**, if other than the present employer.
- (H) A description, sufficient for identification, of the subject matter of the soliciting or peddling which the applicant will engage in, including a description of any merchandise being sold or for which orders are being solicited.
- (I) The period of time for which the permit is being applied for.
- (J) The date, or approximate date, of the latest previous application for certificate under the Article, if any.
- (K) Whether a permit issued to the applicant under this Article, or any other ordinance in any municipality, has ever been revoked.
- (L) Whether the applicant has ever been convicted of a violation of any of the provisions of this Article, or the ordinance of any other municipality of this State regulating soliciting or peddling.
- (M) Whether the applicant or any individual acting on behalf of the applicant has ever been convicted of the commission of a felony under the laws of this State or any other state, or a federal law of the United States.
- (N) The commodities to be sold and the location intended to be occupied or used for the business, if the application is for an itinerant merchant.
- (O) Such additional information as the City Clerk and/or Chief of Police may deem necessary to process the application, such as but not limited to, fingerprinting of the applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath and made subject to all penalties for perjury as provided by state law.

7-3-9 **PERSONS INELIGIBLE FOR PERMIT.** No permit shall be issued under this Article to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States within

five (5) years of the date of this application; nor to any person who has been convicted of a violation of any of the provisions of this Article, nor to any person whose permit issued pursuant to this Article has previously been revoked.

7-3-10 DENIAL OR ISSUANCE OF CERTIFICATE. The City Clerk and/or Chief of Police, after consideration of the application for a permit pursuant to this Article and all information obtained relative thereof, shall deny the application if determined the applicant does not possess the qualifications for the permit, and that the issuance of a permit to the applicant would not be in accord with the intent and purpose of this Article. Endorsement shall be made by the City Clerk and/or Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the permit shall be issued forthwith.

7-3-11 RECORDS. The City Clerk shall cause to be kept an accurate record of each application received and acted upon pursuant to this Article, together with all other information and data pertaining thereto and all permits issued under the provisions of this Article, and of the denial of the applications. Applications for permit shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

7-3-12 REVOCATION; GROUNDS. Any permit issued shall be revoked by the City Clerk and/or Chief of Police under any of the following circumstances:

(A) If the holder of the permit is found to be in violation of any of the provisions of this Article.

(B) If the applicant made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this Article.

(C) If **three (3)** complaints are received on any one individual for unethical soliciting practices, at the City Clerk's and/or Chief of Police's discretion and after a review of the complaints.

(D) If the information being given regarding the merchandise, the method of purchase, the purchase price or any other pertinent information is false or misrepresented, then the registration of any individual and any or all persons soliciting for an organization, business, firm or corporation may be revoked.

(E) If **five (5)** complaints are received on the behavior of an individual or any group of persons for the same firm, business, corporation or organization, the registration of the group of persons soliciting for the firm, business, corporation, or organization may be revoked.

Immediately upon such revocation, written notice thereof shall be given by the City Clerk and/or Chief of Police to the holder of the permit in person or by certified U.S. mail addressed to his residence address set forth in the application. Immediately upon the giving of notice of revocation, the permit shall become null and void.

7-3-13 **EXPIRATION.** The permit issued pursuant to this Article shall expire on the date shown on the face of the certificate. No permit shall be issued for a period of longer than **two (2) days** after the date of issuance of the permit.

7-3-14 **FEE FOR PERMIT.** All persons being issued a permit under the provisions of this Article shall pay a fee to the City Clerk in the amount of **Ten Dollars (\$10.00)** for residents of the City and **Fifty Dollars (\$50.00)** for non-residents. It shall be unlawful to conduct business as an itinerant merchant, vendor, peddler or canvasser within the City until the fee has been paid. All permit holders shall keep their permit and receipt for payment of the fee on their person at all times.

7-3-15 **APPEAL FROM DENIAL OR REVOCATION.** Any person who has been refused issuance of a permit or whose permit has been revoked may, within **ten (10) days** of receipt of notice of such action, appeal such decision to the City Council by filing a statement requesting such appeal with the City Clerk and/or Chief of Police. Upon receipt of such a notice the Clerk shall forward it to the Council and the Council shall set a date for a hearing, which hearing shall be held within a reasonable time after the filing of the notice. At the hearing the Council shall review the City Clerk and/or Chief of Police actions. The appellant shall be given adequate notice of the hearing and shall be afforded due process at the hearing.

7-3-16 **VIOLATION; PUNISHMENT.** Any person violating or aiding or abetting the violation of any provision of this Article is guilty of a petty offense and shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)**.

(Ord. No. 371-03; 09-08-03)

ARTICLE IV – GARAGE SALES

7-4-1 **DEFINITIONS.** For purposes of this Chapter, the following words shall be defined as follows:

“Garage Sales” means a sale of new or used items of personal property conducted upon a residential premises offered to the general public and referred to but not limited to a “garage sale”, “yard sale”, “house sale”, “attic sale” or “rummage sale”.

7-4-2 **RESTRICTIONS AND LIMITATIONS OF PERMITTED SALES.**
An owner or occupant of residential premises within the limits of the City may conduct a garage sale on his premises, subject to the following restrictions:

 (A) Only **three (3) sales** are permitted during a calendar year, not to include organized City wide yard sales promotions.

 (B) No sale conducted pursuant to this Section shall not exceed **three (3) consecutive days** in length.

 (C) All sales shall be conducted between the hours of **7:00 A.M.** and **9:00 P.M.**

 (D) No sales shall be conducted on public property or right-of-way, unless authorized by the City Council.

 (E) As a safety consideration, no advertising for said sale shall be placed in a location blocking the view of traffic, including City utility poles and street signs.

 (F) Signs used to advertise shall not exceed **nine (9) square feet** in size.

 (G) No items shall be sold at such sale, which are restricted by law.

(Ord. No. 383-04; 03-08-04)

CHAPTER 8

CABLE TELEVISION

8-1-1 **DEFINITIONS.** For the purpose of this Franchise, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

(A) **"Basic Cable"** is the lowest priced tier of Cable Service that includes the retransmission of local broadcast television signals.

(B) **"Cable Act"** means Title VI of the Communications Act of 1934, as amended.

(C) **"Cable Services"** shall mean (1) the one-way transmission to subscribers of (a) video programming, or (b) other programming service, and (2) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(D) **"Cable System"** shall mean the Grantee's facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple subscribers within the Service Area.

(E) **"FCC"** means Federal Communications Commission, or successor governmental entity thereto.

(F) **"Franchising Authority"** means the City of Altamont, Illinois.

(G) **"Grantee"** means MCC Illinois LLC, or the lawful successor, transferee, or assignee thereof.

(H) **"Gross Revenue"** means any revenues received by the Grantee from the operation of the Cable System to provide Cable Services in the Service Area, provided, however, that Gross Revenues shall not include any tax, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a governmental agency, including the FCC User Fee.

(I) **"Person"** means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

(J) **"Public Way"** shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the Service Area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System.

(K) **"Service Area"** means the present boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means, subject to the exceptions in **Section 8-1-3(I)**.

(L) "Standard Installation" is defined as **one hundred twenty-five (125) feet** from the nearest tap to the Subscriber's terminal.

(M) "Subscriber" means a person who lawfully receives Cable Service of the Cable System with the Grantee's express permission.

8-1-2 **GRANT OF FRANCHISE.**

(A) **Grant.** The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way such facilities and equipment as may be necessary or appurtenant to the Cable System for the transmission and distribution of Cable Services, data services, information and other communications services or for any other lawful purposes.

(B) **Other Ordinances.** The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. Neither party may unilaterally alter the material rights and obligations set forth in this Franchise. In the event of a conflict between any ordinance and this Franchise, the Franchise shall control.

(C) **Level Playing Field.** The Franchising Authority shall not authorize or permit any person providing video programming services and/or Cable Services to enter into the Franchising Authority's Public Ways in any part of the Service Area on terms or conditions more favorable or less burdensome to such person than those applied to the Grantee pursuant to this Franchise. A Franchising Authority may require insurance or surety in excess of that required under this Franchise in recognition of such operator being either a new entrant or because of the construction requirements specified in that operator's agreement with the Franchising Authority.

(D) **Term.** The Franchise granted hereunder shall be for an initial term of **fifteen (15) years** commencing on the effective date of the Franchise as set forth in **Section 8-1-8(F)**, unless otherwise lawfully terminated in accordance with the terms of this Franchise.

8-1-3 **STANDARDS OF SERVICE.**

(A) **Conditions of Occupancy.** The Cable System installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways.

(B) **Restoration of Public Ways.** If during the course of the Grantee's construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by the Grantee, Grantee shall replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

(C) **Relocation for the Franchising Authority.** Upon its receipt of reasonable advance written notice, to be not less than **ten (10) business days**, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way, any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right of abandonment of its property.

(D) **Relocation for a Third Party.** The Grantee shall, on the request of any person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way as necessary any property of the Grantee, provided: (1) the expense of such is paid by said person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (2) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be no less than **thirty (30) business days** in the event of a temporary relocation, and no less than **one hundred twenty (120) days** for a permanent relocation.

(E) **Trimming of Trees and Shrubbery.** The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the Cable System.

(F) **Safety Requirements.** Construction, operation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations and the National Electric Safety Code.

(G) **Underground Construction.** In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its Cable System underground. Nothing contained in this subsection shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances.

(H) **Access to Open Trenches.** The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (1) the utility or developer give the Grantee at least **ten (10) days** advance written notice of the availability of the open trench, and

(2) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

(I) **Required Extensions of the Cable System.** Grantee agrees to provide Cable Service to all residences in the Service Area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for Cable Service from a potential Subscriber in an unserved area contiguous to Grantee's to existing distribution facilities where there are at least **ten (10) residences** within **one thousand three hundred twenty (1320) cable-bearing strand feet** (one-quarter cable mile) from the portion of the Grantee's trunk or distribution cable which is to be extended, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for the Cable System extension, other than the published Standard/non-Standard Installation fees charged to all Subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, into any annexed area which is not contiguous to the present Service Area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

(J) **Subscriber Charges for Extensions of the Cable System.** No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of **Section 8-1-3(I)** above, the Grantee shall only be required to extend the Cable System to Subscriber(s) in that area if the Subscriber(s) are willing to share the capital costs of extending the Cable System. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per **one thousand three hundred twenty (1320) cable-bearing strand feet** from the Grantee's trunk or distribution cable, and whose denominator equals **ten (10)**. Subscribers who request service hereunder shall bear the remaining cost to extend the Cable System on a *pro rata* basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-Standard Installation charges to extend the Cable System from the tap to the residence.

(K) **Cable Service to Public Buildings.** The Grantee, upon request, shall provide without charge, a Standard Installation and **one (1) outlet** of Basic Cable to those administrative buildings owned and occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its Cable System. The Cable Service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The Cable Service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's Cable System or any loss or damage to Grantee's Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this subsection. The Grantee shall not be required to provide an outlet to

such buildings where a non-Standard Installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary Cable System extension and/or non-Standard Installation. If additional outlets of Basic Cable are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

(L) **Emergency Use.** If the Grantee provides an Emergency Alert System ("EAS") such EAS shall be operated in accordance with FCC regulations. The Franchising Authority shall permit only appropriately trained and authorized persons to operate the EAS equipment and shall take reasonable precautions to prevent any use of the Grantee's Cable System in any manner that results in inappropriate use thereof, or any loss or damage to the Cable System. Except to the extent expressly prohibited by law, the Franchising Authority shall hold the Grantee, its employees, officers and assigns harmless from any claims arising out of use of the EAS, including, but not limited to, reasonable attorneys' fees and costs.

(M) **Reimbursement of Costs.** If funds are available to any person using the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.

8-1-4 REGULATION BY THE FRANCHISING AUTHORITY.

(A) **Franchise Fee.**

(1) The Grantee shall pay to the Franchising Authority a franchise fee of **five percent (5%)** of annual Gross Revenues (as defined in **Section 8-1-1** of this Franchise). In accordance with the Cable Act, the **twelve (12) month** period applicable under the Franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within **ninety (90) days** after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

(2) **Limitation on Franchise Fee Actions.** The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be **three (3) years** from the date on which payment by the Grantee is due to the Franchising Authority.

(B) **Rates and Charges.** The Franchising Authority may regulate rates for the provision of Basic Cable and equipment as expressly permitted by federal or state law.

(C)

Renewal of Franchise.

- (1) The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the renewal provisions of federal law.
- (2) In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current Franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the Franchise prior to expiration of its term.
- (3) Notwithstanding anything to the contrary set forth in this subsection, the Grantee and the Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law the Franchising Authority and the Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof.
- (4) The Grantee and the Franchising Authority consider the terms set forth in this subsection to be consistent with the express renewal provisions of the Cable Act.

(D)

Conditions of Sale.

If a renewal or extension of the Grantee's Franchise is denied or the Franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act.

The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the Franchise, the Grantee shall be given at least **twelve (12) months** to effectuate a transfer of its Cable System to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior Franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, the Grantee and the Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law. It is further agreed that the Grantee's continued

operation of the Cable System during the **twelve (12) month** period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee.

(E) **Transfer of Franchise.** The Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without prior written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System in order to secure indebtedness.

8-1-5 BOOKS AND RECORDS. The Grantee agrees that the Franchising Authority, upon **thirty (30) days** written notice to the Grantee and no more than once annually may review such of its books and records at the Grantee's business office, during normal business hours and on a nondisruptive basis, as is reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise which is under review, so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than **three (3) years**. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing Cable Service in the Service Area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act.

8-1-6 INSURANCE AND INDEMNIFICATION.

(A) **Insurance Requirements.** The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Franchise, Commercial General Liability Insurance in the amount of **One Million Dollars (\$1,000,000.00)** combined single limit for bodily injury and property damage. The Franchising Authority shall be designated as an additional insured. Such insurance shall be noncancellable except upon **thirty (30) days** prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.

(B) **Indemnification.** The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System in the Service Area provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within **ten (10) days** of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

8-1-7 ENFORCEMENT AND TERMINATION OF FRANCHISE.

(A) **Notice of Violation.** In the event that the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

(B) **The Grantee's Right to Cure or Respond.** The Grantee shall have **thirty (30) days** from receipt of the notice described in **Section 8-1-7(A)**:

- (1) to respond to the Franchising Authority, contesting the assertion of noncompliance, or
- (2) to cure such default, or
- (3) in the event that, by nature of default, such default cannot be cured within the **thirty (30) day** period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

(C) **Public Hearing.** In the event that the Grantee fails to respond to the notice described in **Section 8-1-7(A)** pursuant to the procedures set forth in **Section 8-1-7(B)**, or in the event that the alleged default is not remedied within **thirty (30) days** or the date projected pursuant to **Section 8-1-7(B)(3)** above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least **ten (10) days** prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.

(D) **Enforcement.** Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in **Section 8-1-7(C)**, determines that the Grantee is in default of any provision of the Franchise, the Franchising Authority may:

- (1) seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or
- (2) commence an action at law for monetary damages or seek other equitable relief; or

- (3) in the case of a substantial default of a material provision of the Franchise, seek to revoke the Franchise in accordance with **Section 8-1-7(E)**.

(E) **Revocation.** Should the Franchising Authority seek to revoke the Franchise after following the procedures set forth in **Sections 8-1-7(A) – (D)** above, the Franchising Authority shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have **ninety (90) days** from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least **thirty (30) days** prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise.

At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing.

Following the hearing, the Franchising Authority shall determine whether or not the Franchise shall be revoked. If the Franchising Authority determines that the Franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the Franchising Authority to an appropriate court which shall have the power to review the decision of the Franchising Authority *de novo*. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within **sixty (60) days** of Grantee's receipt of the determination of the Franchising Authority.

The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the Franchise.

(F) **Force Majeure.** The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or Subscribers.

8-1-8 MISCELLANEOUS PROVISIONS.

(A) **Actions of Parties.** In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

(B) **Entire Agreement.** This Franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this Franchise shall be mutually agreed to in writing by the parties.

(C) **Notice.** Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope:

- (1) upon receipt when hand delivered with receipt/ acknowledgement,
- (2) upon receipt when sent certified, registered mail,
- (3) within **five (5) business days** after having been posted in the regular mail or
- (4) the next business day if sent by express mail or overnight air courier.

The notices or responses to the Franchising Authority shall be addressed as follows:

City of Altamont
202 N. 2nd
Altamont, IL 62411

The notices or responses to the Grantee shall be addressed as follows:

MCC Illinois LLC
710 West Jefferson
Effingham, IL 62401
Attn: General Manager

With a copy to:

Mediacom Communications Corp.
100 Crystal Run Road
Suite 406A
Middletown, NY 10940
Attn: Vice President
Legal and Regulatory Affairs

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

(D) **Descriptive Headings.** The captions to sections and subsections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

(Ord. No. 349-01; 09-24-01)

CHAPTER 9

CEMETERY

ARTICLE I - ADMINISTRATION

9-1-1 **CEMETERY ESTABLISHED.** There is hereby established the Altamont Union Cemetery which shall be under the supervision of the Commissioner of Accounts and Finance. (See 65 ILCS Sec. 5/11-52.1-1)

9-1-2 **CEMETERY BOARD OF MANAGERS.** A **three (3) member** Cemetery Board of Managers shall with the advice and consent of the Council be appointed on the **first (1st) day of May** or as soon thereafter as practical.

The members of said Board shall hold their office for a term of **two (2) years** and until their successors are appointed.

The powers of this Board are presented in the section identified as Trust Funds.

9-1-3 **ADDITIONS THERETO.** The City Council, upon the recommendation of the Committee, may purchase additional land for cemetery purposes. The land may be surveyed and laid out in lots.

9-1-4 **POWER TO CONVEY LOTS - PRICES.** The Mayor and City Clerk shall be, and are hereby authorized and empowered to sell and convey the cemetery lots in the Altamont Union Cemetery, at prices established in **Appendix “A”** of this Chapter.

9-1-5 **LOT PURCHASES.** Any person desiring to purchase any lot in the cemetery shall pay the price thereof to the City Treasurer, who shall give the purchaser a receipt for the amount paid, in which receipt shall be stated the number of the lot proposed to be purchased, and upon presentation of this receipt to the City Clerk, the purchaser shall be entitled to a conveyance executed by the Mayor and attested by the City Clerk under the corporate seal of the City, conveying to such purchaser the exclusive use of such lot or lots for the purpose specified in this Article, subject to the provisions of this Code, of which conveyance the City Clerk shall keep a record. The deed of conveyance shall contain a clause, requiring all non-residents of the City who purchase lots in the cemetery, to pay an annual fee of **Three Dollars (\$3.00)** per lot or any part of a lot, for the upkeep of the lot, which fee shall be due and payable on the **first (1st) day of May** of each year.

The Council shall have full control over the grading of the lots. Any person desiring to reconvey any lot, or part thereof, may do so by giving the City a quit claim deed therefor.

9-1-6 **PROCEEDS FROM SALE OF LOTS.** The proceeds from the sale of all lots in the cemetery, and all moneys, arising from fines or penalties for the violation of any of the provisions of this Chapter, shall constitute a separate fund called the Cemetery Fund, to be applied to the use of the cemetery, in payment of debts, improvements, ornaments, and maintenance costs.

9-1-7 **TRUST FUNDS.** The Cemetery Board of Managers is hereby authorized and empowered to receive in trust from the proprietors or owners of any lot or parcel of lot in the cemetery or from any person interested in the maintenance of the same, any gift, devise or bequest of any money or property, either real or personal of the value of not less than **One Hundred Dollars (\$100.00)**, which may be donated to the City for the use and maintenance of said lot or parcel of lot, or cemetery.

The Board of Managers shall have the right to convert the property into money where a gift is made in the form of real estate or goods and chattels.

Moneys received by the Board of Managers shall be invested in either of the following securities: United States Government bonds, certificate of deposits of Banks and Savings and Loan Associations, provided the deposits of such Savings and Loan Association or Bank are insured as provided for by the United States Federal Government. The Board of Managers shall apply the income from such bonds, and deposits for the perpetual care of the cemetery lot, or parcel of lot, or for the care and maintenance of the Altamont Union Cemetery, as shall be specified in the gift, bequest or devise. **(Ord. No. 35; 07-09-73)**

9-1-8 **BOND OF TREASURER.** The Treasurer of the Board of Managers shall before entering upon his duties execute a bond payable to the People of the State of Illinois for the use of the City Council, in a penal sum of not less than double the value of the money or property coming into his hands as such Treasurer, conditioned for the faithful performance of his duties and for the faithful accounting for all property which, by virtue of his office comes into his hands, and to be in such form and with such sureties as may be approved by the City Council, the bond to be filed in the office of the City Clerk.

9-1-9 **DUTIES OF TREASURER.** The Treasurer shall have custody of all money and property received in trust by the Board of Managers, and shall pay out the same only upon the written order of the City Council, and he shall keep permanent books of record of all such trust funds and of all receipts and disbursements thereof, and for what purposes received and disbursed and shall annually make a report in writing to the City Council, under oath showing balances, receipts and disbursements, including a statement showing the amount and principal of trust funds on hand and how invested, which report shall be audited by said Board of Managers, and if found correct, shall be transmitted to the Council at the same time that the Treasurer is required by law to make his report and to be received and preserved in the same manner if found to be correct. **(See 65 ILCS Sec. 5/11-52.2-1)**

9-1-10 **DUTIES OF CLERK.** The City Clerk, in a book provided for such purposes, shall keep a permanent record of the proceedings of the Board of Managers, signed by the Mayor and attested by the City Clerk, and shall also keep a permanent record of the several trust funds, from what sources received, the amounts thereof, and for what uses and purposes, respectively, and he shall annually at the time of transmitting the Treasurer's report to the Council, make a report in writing, under oath, to the Council, stating therein, substantially the same matter reported by the Treasurer of said Board, which report, if found to be correct, shall be approved and preserved by the Council. (See 65 ILCS Sec. 5/11-52.2-1)

9-1-11 **OWNERSHIP OF LOT WHEN DEED IS LOST.** The persons whose names appear as grantees and purport to be the owners of the lots described on pages 187 to 454, both inclusive, of the Union Cemetery Record No. 1, be, and each and every one is hereby declared to be vested with the full and perfect title to the lot, or parcel of a lot, described on the page on which his or her name appears as the grantee in the deed and wherever such grantee is deceased that the heirs at law or devisees of such deceased person shall and they are hereby declared to have full and perfect title to such lot or parcel of lot.

9-1-12 **DUTY OF THE CITY CLERK.** It shall hereafter be the duty of the City Clerk to keep a full and perfect record of all of the deeds issued by the City, conveying lots or parcels of lots in the Cemetery. (Ord. No. 10-30-44)

ARTICLE II - REGULATIONS

9-2-1 **FIREARMS.** No person shall discharge any firearm in the City Cemetery, except for former members of the United States armed forces firing salutes during Memorial Day services. No person shall hunt or trespass upon any grave or other appurtenances located in the Cemetery.

9-2-2 **DEFACEMENT OF PROPERTY.** No person shall negligently, willfully or maliciously injure the fence, gates, entrances or other improvements, or shall cut, break, or injure or carry away any tree, shrub, flower, vine, post, chain or any ornamental thing, or article, or shall deface any of the monuments, tombstones, markers, vaults, or ornaments of any kind in the Altamont Union Cemetery, or throw or deposit any can, glass bottle, or container of any kind, except those placed by persons on the grave of their deceased relatives, or any article or rubbish, in any part of the Cemetery, or shall drive any motor vehicle, or other vehicle, except the hearse, upon any part of the Cemetery other than the main streets or avenues, or shall drive any motor vehicle, or any other vehicle, in and upon the streets and avenues of the Cemetery, during the period of time from **one (1) hour** after sunset to sunrise.

9-2-3 **OFFENSES.** All offenses listed in **Chapter 27** of the City Code shall be applicable to the Cemetery.

CHAPTER 11

ELECTRIC SYSTEM

ARTICLE I - RATES

11-1-1 **RATES ESTABLISHED.** There shall and there are hereby established rates and charges for the use of and for the service supplied by the electric system of the City of Altamont ("Utility"), based upon the amount of electricity consumed and for facilities provided as follows:

(A) **Residential Rate R1:**

(1) **Availability.** Any customer located in territory served by Utility may take service under this rate subject to the following conditions:

- (a) Residential customers in a single family dwelling or single family unit located in an apartment building or general farm purposes, and
- (b) That the energy delivered is not resold or redistributed, and
- (c) That the customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

(2) **Conditions of Service.**

(a) Service will be delivered to customer at no more than one of the following standard delivery voltages:

Single phase service - 3 wire 120/240 volts

- (b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt at a single point of delivery.
- (c) Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").

(3) **Rates.**

(a) **Customer Service Charge.**

Customers within City Corporate limits - **\$2.81** per month.

- Customers outside of City Corporate limits - **\$2.96** per month. (**Ord. No. 396-05; 03-28-05**)
- (b) **Energy Charge.** The following charges shall apply to all usage for bills issued:
Customers within City Corporate limits - **\$.0771/kWHR**
Customers outside of City Corporate limits - **\$.0809/kWHR (Ord. No. 396-05; 03-28-05)**
- (c) This section is left intentionally blank.
- (d) **Energy Cost Adjustment.** The energy charges in Subsection (3)(b) are subject to the Energy Cost Adjustment ("ECA"). The ECA charge shall be in addition to the stated base rates and charges, and an additional amount shall be added to each bill for the ECA.
The ECA is hereby defined to be the difference in the average cost of energy per kWh purchased by the Utility during the Base Period and average cost of energy per kWh purchased by the Utility during the current Comparison Period.
The Base Period for the energy cost adjustment clause is hereby designated as 5-1-95 to 4-30-96 and the base period energy cost per kWh during the base period has been computed at \$.0465 per kWh.
The current Comparison Period shall be defined as the month previous to the billed usage period.
That as soon as possible after the end of each current Comparison Period, the cost of purchased energy per kWh during said period shall be compared and the ECA shall be computed. The ECA shall be expressed as an amount per kWh and the ECA shall go into effect at the next billing period after the end of the Current Comparison Period and shall remain in effect until a new ECA has been computed.
- (e) **Reserved.**
- (f) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority, including the State of Illinois State Public Utility Revenue Tax, shall be added to the customer's net bill.

(B)

General Service Rate GS-1.

(1) **Availability.** Any customer located in territory served by Utility may take service under this rate subject to the following conditions:

- (a) Customer is non-residential, and
- (b) That the energy delivered is not resold or redistributed, and
- (c) That the customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

(2) **Conditions of Service.**

(a) Services will be delivered to customer at no more than one of the following standard delivery voltages:

Single phase service - 3 wire 120/240 volts

Three phase service - 4 wire 120/208 volts, grounded WYE

- (b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to Customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt of service at a single point of delivery.
- (c) Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").

(3) **Rates.**

(a) **Customer Service Charge.**

Customers within City Corporate limits - **\$5.06** per month.

Customers outside of City Corporate limits - **\$5.32** per month. **(Ord. No. 396-05; 03-28-05)**

(b) **Energy Charge.** The following charges shall apply to all usage for bills issued:

Customers within City Corporate limits - **\$.0784** per kWh.

Customers outside of City Corporate limits - **\$.0824** per kWh. **(Ord. No. 396-05; 03-28-05)**

(c) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA outlined in Section (3)(c) of the Residential Rate R1.

- (d) **Reserved.**
- (e) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority including the State of Illinois State Public Utility Revenue Tax shall be added to the customer's net bill.

(C)

General Service Rate GS-2.

(1) **Availability.** Any customer located in territory served by Utility may take service under this rate subject to the following conditions:

- (a) Customer is non-residential, and
- (b) Customer's monthly demand, as determined by the Utility, is more than 20 kW, or Customer's usage is greater than 8,000 kWhrs in any **one (1) month**, and

Once Customer's service category is established as GS-2, return to the GS-1 service category will only be made when Customer has failed to meet the criteria for service under GS-2 for a continuous period of **twelve (12) months**, and

- (c) That the energy delivered is not resold or redistributed, and
- (d) That the customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

(2) **Conditions of Service.**

(a) Services will be delivered to customer at no more than one of the following standard delivery voltages:

(i) **Secondary service.**

Single phase service--3 wire 120/240 volts

--3 wire 120/208 volts
(Network)

Three phase service--4 wire 120/208 volts,
grounded WYE

--4 wire 277/480 volts, grounded WYE

(ii) **Primary service.**

2,400/4,160 or 7,200/12,470 volts, 4-wire
grounded WYE connected, and as available at
customer's location.

(iii) Other standard voltages may be provided by
Utility, as available.

- (b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt at a single point of delivery.
 - (c) Service shall be metered for both energy (kWh) usage and demand (kW) usage. Demand integration shall be over **fifteen (15) minute** period.
 - (d) Customer shall be responsible for maintaining power factor at or above **eighty-five percent (85%)** lagging. If Customer's power factor falls below **eighty-five percent (85%)** lagging, Utility will provide written notice to Customer of requirement to improve power factor above threshold level of **eighty-five percent (85%)** lagging. If Customer fails to correct power factor within **ninety (90) days** of such notice to a level acceptable to Utility, Utility shall have the right to apply power factor correction facilities outside of the Customer's facilities at the cost of the Customer or to adjust Customer's monthly billable demand upwards **one percent (1%)** for each **one percent (1%)** under the required **eighty-five (85%)** monthly power factor level.
 - (e) Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").
- (3) **Rates.**
- (a) **Customer Service Charge.**
Customers within City Corporate limits - **\$10.13** per month.
Customers outside of City Corporate limits - **\$10.63** per month. **(Ord. No. 396-05; 03-28-05)**
 - (b) **Energy Charges.** The following charges for energy shall apply to all usage for bills issued:
Customers within City Corporate limits - **\$.0536** per kWh.
Customers outside of City Corporate limits - **\$.0563** per kWh. **(Ord. No. 396-05; 03-28-05)**
 - (c) **Demand Charge.** The following charges for demand shall apply to all usage for bills issued:

Customers within City Corporate limits:
kW Max. Demand \$ 6.03

Customers outside City Corporate limits:
kW Max. Demand \$ 6.33

(Ord. No. 396-05; 03-28-05)

(i) The maximum demand per month shall be the maximum demand established in the billing month.

(d) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA outlined in Section (3)(c) of the Residential Rate R1.

(e) **Reserved.**

(f) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority including the State of Illinois State Public Utility Revenue Tax shall be added to the customer's net bill.

(D) **Governmental Rate.**

(1) **Rates.**

(a) **Customer Service Charge.**

Customers within City Corporate limits - **\$5.06** per month.

Customers outside City Corporate limits - **\$5.32** per month. **(Ord. No. 396-05; 03-28-05)**

(b) **Energy Charge.** All municipal buildings, installations, and facilities shall be billed monthly, computed at the following rates:

Customers within City Corporate limits - **\$0.0771** per kWh consumed.

Customers outside City Corporate limits - **\$0.0809** per kWh consumed. **(Ord. No. 396-05; 03-28-05)**

(c) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA, as outlined in Section (3)(c) of the Residential Rate R1.

(E) **Private Outdoor Lighting.**

(1) **Availability.** Any customer located in territory served by Utility for outdoor lighting service notwithstanding availability provisions in any other rate that all requirements be supplied thereunder.

- (2) **Service to be Furnished.** The Utility will furnish and operate the necessary facilities to supply service for outdoor lighting from dusk to dawn for the number of lighting units ordered by the customer, subject to the limitations set forth below.
- (3) **Monthly Charges.**

Customers within City Corporate limits

<u>Standard Lighting Unit</u>	<u>Initial Lumens</u>	<u>Monthly Charge</u>
Mercury Vapor		
175 Watt	8,600	\$ 7.89
High Pressure Sodium		
100 Watt	9,500	\$ 6.06
150 Watt	16,000	\$ 7.09
250 Watt	30,000	\$10.77
400 Watt	50,000	\$14.28

Customers outside City Corporate limits

<u>Standard Lighting Unit</u>	<u>Initial Lumens</u>	<u>Monthly Charge</u>
Mercury Vapor		
175 Watt	8,600	\$ 8.28
High Pressure Sodium		
100 Watt	9,500	\$ 6.37
150 Watt	16,000	\$ 7.45
250 Watt	30,000	\$11.31
400 Watt	50,000	\$14.99

(Ord. No. 396-05; 03-28-05)

- (a) Standard equipment for lighting units shall consist of either a standard mercury vapor or high pressure sodium lamp, mounted in a luminaire supported on a short bracket (approximately **thirty (30) inches** for mercury vapor and **twenty (20) inches** for high pressure sodium), with photoelectric control.
- (b) If the connected load served hereunder is less than **three (3) kilowatts**, and a transformer is required exclusively to serve such load, the transformer shall be treated as an

optional facility. If the connected load is **three (3) kilowatts** or more, the customer shall pay only for the installation of the transformer.

(c) **Reserved.**

(d) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority, including the State of Illinois State Public Utility Revenue Tax, shall be added to the customer's net bill.

(4) **Additional Facilities.** Private outdoor lighting units installed under this rate will only be installed on City-owned poles or other City-owned structures.

If the installation of a standard lighting unit requires the installation by the Utility of facilities not required by the Utility for distribution purposes other than private lighting, the Utility will furnish, install, own and maintain the additional facilities (including wood poles of the type established as standard for service hereunder) which may be necessary to provide such lighting from nearby distribution lines. The Utility will make a monthly charge, in addition to the charges set forth above, of **2.1%** of the cost to the Utility of furnishing and installing such facilities. In determining the amount of such monthly charge, the Utility may use unit prices for such additional facilities as the cost base, provided that such unit prices are at or below the Utilities average unit cost for such facilities.

(5) **Ownership and Maintenance of Facilities.** The Utility shall own and be responsible for the maintenance of Utility facilities installed to render the service ordered by the customer, but the Utility shall not be required to remove obstructions or trim trees that may interfere with proper distribution of light from lighting units. The customer will be responsible for the following:

(a) The removal of any obstruction to the installation of facilities.

(b) Provide any permits or easements required for their installation and maintenance.

(c) Provide for access to them by Utility trucks.

If a customer desires installation of a lighting unit on a customer owned pole, such pole must meet Utility standards at the time of installation and as long as the lighting unit remains in service.

(Ord. No. 302; 09-22-97)

(F)

Fairs and Special Events.

- (1) **Availability.** This rate is reserved exclusively for fairs and special public events, and is defined as follows:
- (a) Customer is not a Residential or General Service Rate customer, as defined earlier in this Chapter, and
 - (b) Customer's use of electrical power and energy is reserved for use at fairs and other public events of short duration, and
 - (c) Customer's use of electrical power and energy is not for manufacturing or other permanent, semi-permanent, or transitory business purposes unrelated to fairs or other public events, and
 - (d) That the power and energy delivered to the Customer, is not resold or redistributed beyond the boundaries of the Customer's property, and
 - (e) Such power and energy, which is resold by the Customer is not to be used for manufacturing or other permanent, semi-permanent, or transitory business purposes unrelated to fairs or other public events, and
 - (f) That the Customer does not have any electric generating equipment used to produce all or a portion of customer's electrical load requirements on a regular basis.

This Section does not exclude the use, by the Customer or others on the property, of special purpose generators which are not for continuous prime power use or are operated in parallel with the City's distribution system.

(2) **Conditions of Service.**

- (a) Services will be delivered to customer at no more than one of the following standard delivery voltages:
 - (i) **Secondary service.**
 - Single phase service--3 wire 120/240 volts
 - 3 wire 120/208 volts (Network)
 - Three phase service--4 wire 120/208 volts, grounded WYE
 - 4 wire 277/480 volts, grounded WYE
 - (ii) **Primary service.**
 - 2,400/4,160 or 7,200/12,470 volts, 4-wire grounded WYE connected, and as available at customer's location.
 - (iii) Other standard voltages may be provided by Utility, as available.

- (b) Utility will provide and maintain all facilities necessary to deliver one standard delivery voltage at one specified location to customer. Customer shall provide all necessary facilities for utilization of service at the specified delivery voltage and for the receipt at a single point of delivery.
 - (c) Service shall be metered for both energy (kWh) usage and demand (kW) usage. Demand integration shall be over **fifteen (15) minute** period. Although demand will be metered for historical purposes, the demand reading will not be used for the generation of bills under this rate class.
 - (d) Customer shall be responsible for maintaining power factor at or above **eighty-five percent (85%)** lagging. If Customer's power factor falls below **eighty-five percent (85%)** lagging, Utility will provide written notice to Customer of requirement to improve power factor above threshold level of **eighty-five percent (85%)** lagging. If Customer fails to correct power factor within **ninety (90) days** of such notice to a level acceptable to Utility, Utility shall have the right to apply power factor correction facilities outside of the Customer's facilities at the cost of the Customer or to adjust Customer's monthly billable demand upwards **one percent (1%)** for each **one percent (1%)** under the required **eighty-five (85%)** monthly power factor level.
 - (e) At its own cost, Customer will maintain its electric service entrance facilities in good repair and in full compliance with the requirements of all local, state, and national codes and standards including all applicable terms and conditions of the National Electric Code ("NEC") and the National Electric Safety Code ("NESC").
- (3) **Rates.**
- (a) **Customer Service Charge.** Customers outside of City Corporate limits - **\$10.63** per month. **(Ord. No. 396-05; 03-28-05)**
 - (b) **Energy Charges.** The following charges for energy shall apply to all usage for bills issued: Customers outside of City Corporate limits - **\$.0948** per kWh. **(Ord. No. 396-05; 03-28-05)**
 - (c) **Energy Cost Adjustment.** The energy charges in subsection (3)(b) are subject to the ECA outlined in Section (3)(c) of the Residential Rate R1.

- (d) **Reserved.**
- (e) **Tax Adjustment.** Any tax or charge imposed or levied by any taxing authority including the State of Illinois State Public Utility Revenue Tax shall be added to the customer's net bill.

(Ord. No. 1998-304; 01-26-97)

[ED. NOTE: This Chapter represents all of the regulations pertaining to the City's Electrical System.]

ARTICLE II – PAYMENT REGULATIONS

11-2-1 PAYMENT FOR ELECTRIC SERVICES.

(A) The meters of the City electric system shall be read not later than the **twenty-ninth (29th) day** of each month by the Department Supervisor.

(B) The Department Supervisor shall provide the City Clerk with all meter readings not later than the **twenty-ninth (29th) day** of each month.

(C) The City Clerk shall prepare and mail (by regular U.S. mail) all electric service bills not later than the **sixth (6th) day** of each month.

(D) All electric service bills shall be due and payable by the customer not later than the **seventeenth (17th) day** of each month.

(E) If an electric service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the electric service bill is considered past due and a **ten percent (10%)** late fee shall be assessed to such customer.

(F) If an electric service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the City Clerk shall mail (by regular U.S. Mail) a Final Delinquency Notice Prior to Disconnection. If an electric service bill is not paid by the customer by **10:00 A.M.** on the specified disconnection date as listed in the Final Delinquency Notice Prior to Disconnection, then:

- (1) The City Clerk shall immediately inform the Mayor, in writing of the name and address of the customer responsible for the delinquent electric service bill.
- (2) The City Clerk shall immediately issue a Disconnect Service Order to the Department Supervisor, and the Department Supervisor shall immediately cause the disconnection of such customer's electric service.

(G) **Electric Lien.**

- (1) The charges or rates for electric service are liens on the real estate on or for which service is supplied when the charges or rates become delinquent pursuant to this Section.
- (2) The lien of the City shall have no preference over the rights of any purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the filing of a notice of such a lien in the office of the recorder of deeds of the county in which such real estate is located, but shall be superior to all other liens and encumbrances, except tax liens.
- (3) The notice of lien shall consist of a sworn statement setting out:
 - (a) A description of such real estate sufficient for the identification thereof;
 - (b) The amount of money due for such service; and
 - (c) The date when such amount became delinquent.

- (4) The City has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages of real estate as delineated in **735 ILCS, Article XV**. Suit to foreclose this lien shall be commenced within **seven (7) years** after the date of filing notice of lien.
- (5) On payment of the delinquent charges for electric service, together with filing fees, court costs and attorney's fees, if any, by the owner or persons interested in or occupying such property after notice of lien has been filed, the City shall deliver a release of lien to the payor of the above charges, or at the direction of the payor. It shall not be the responsibility of the City to cause the release to be filed for record.
- (6) The charges for such electric service shall not be a lien on the real estate affected unless notice shall be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year on the property, or the owner of the property or the affected occupants of the property. The notice shall contain the substance of this Section of the notice of lien, and shall recite that:
"The receiver of this notice is entitled to a hearing with the designee of the director of public utilities of the City within **ten (10) days** of receiving this notice. A lien may be filed on the real estate for which service is supplied, unless payment of the delinquent electric charges is made within such time."

(Ord. No. 394-04; 11-08-04)

(H) The City has the power, to sue the customer in a civil action to recover the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney's fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**

(I) The term "customer" shall mean any person, corporation or entity that applies for water, sewer, electric, or garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

11-2-2 **LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of electric services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City.

11-2-3 RECONNECTION FEE. When electrical service to a customer has been discontinued for nonpayment of charges, a reconnection charge of **Twenty-Five Dollars (\$25.00)** shall be made if reconnection is made during normal working hours and a charge of **Fifty Dollars (\$50.00)** shall be made if such reconnection is made after normal working hours.

11-2-4 PAYMENT OF PRIOR BALANCES. The City shall not be required to connect or provide any service to any customer until all previous balances for electrical service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's utility collection office.

11-2-5 NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS. No person owing utility charges and removing to other premises where there are City utility connections or where connections shall afterwards be made shall be served until such charges in arrears are paid in full.

11-2-6 DISCONTINUANCE OF ELECTRIC SERVICE.
(A) **Discontinuance.** A utility may discontinue electric service when any customer fails to do any of the following:

- (1) make a deposit or increase a deposit pursuant to **Section 38-2-6**;
- (2) pay a past due bill owed to the utility for electric service furnished at the same location or at another location. For purposes of this subsection, a utility may discontinue electric service if the current customer is liable for a past due bill for electric services pursuant to Section 15 of the Rights of Married Persons Act (**750 ILCS 6-5/15**); unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to City of Altamont Ordinance Number 370-03 and/or enters into a deferred payment agreement pursuant to **Section 11-2-7**;
- (3) make payment in accordance with the terms of a deferred payment agreement;
- (4) provide utility representatives with access to the meter;
- (5) comply with the rules and regulations of the City Electric Department.

(B) Termination of electric utility service to all residential users, for nonpayment of bills where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence is prohibited:

- (1) any day when the National Weather Service forecast for the following **twenty-four (24) hours** covering the area in which the residence is located includes a forecast that the temperature will be **twenty degrees Fahrenheit (20°F)** or below; or
- (2) any day preceding a holiday or weekend when such a forecast indicates that the temperature will be **twenty degrees Fahrenheit (20°F)** or below during the holiday or weekend.

(C) Notwithstanding any of the foregoing provisions, discontinuance of electric service of residential customers is prohibited for up to **sixty (60) days** when discontinuance of electric service will aggravate an existing serious illness of any person who is a permanent resident of the premises where electric service is rendered if the customer complies with the following requirements regarding such illness:

- (1) The illness must be certified to the City by a registered physician or local board of health. The certification shall be in writing and shall include the name of the ill person, a statement that he/she is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the illness, and the period of time during which termination will aggravate the illness;
- (2) Initial certification shall prohibit discontinuance of service for **thirty (30) days**. Certification may be renewed by the customer for an additional **thirty (30) days** by providing another certificate to the utility. Failure to renew the certificate shall entitle the utility to initiate the discontinuance procedures;
- (3) The customer may enter into a deferred payment agreement pursuant to **Section 11-2-7** for the retirement of the unpaid balance of the account within the first **thirty (30) days** and keep the current account paid during the period that the unpaid balance is to be retired.
- (4) In the event electric service is terminated within **fourteen (14) days** prior to certification of illness by or for a qualifying resident, electric service shall be restored to the residence if a proper certificate is thereafter made in accordance with the foregoing provisions.
- (5) Nothing in this Article shall be construed to prevent discontinuance of service for reasons of safety, health, or cooperation with civil authorities.

11-2-7 DEFERRED PAYMENT AGREEMENTS.

(A) Residential customers who are indebted to the City for past due water service may have the opportunity, at the discretion of the City, to make arrangements with the City to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement.

(B) The terms and conditions of a reasonable deferred payment agreement and the City's decision whether or not to offer a customer for service a deferred payment agreement shall be determined by the City after consideration of the following factors, based upon information available from current utility records or provided by the customer:

- (1) size of past due account; and
- (2) customer or customer's ability to pay; and
- (3) customer or customer's payment history; and
- (4) reason for outstanding indebtedness; and
- (5) any other relevant factors relating to the circumstances of the customer or customer's service.

(C) When entering into a deferred payment agreement, the customer shall pay **one-fourth (1/4)** of the amount past due and owing at the time of entering into the deferred payment agreement. The City shall allow a minimum of **three (3) months** from the date of said agreement for payment to be made under a deferred payment agreement. Late payment charges may be assessed against the amount deferred payment agreement with a customer during a **twelve (12) month** period.

(D) A deferred payment agreement shall be in writing, with a copy provided to customer, and shall conform to the following requirements:

- (1) the customer shall be required to pay all future bills for water service by the due date; and
- (2) the customer retire his/her debt according to the terms of the deferred payment agreement.

(Ord. No. 394-04; 11-08-04)

CHAPTER 12

ENTERPRISE ZONE

12-1-1 **ZONE ESTABLISHED.** The City of Altamont, Illinois hereby establishes an “Enterprise Zone”, pursuant to authority granted by the Illinois Enterprise Zone Act (the “Act”; PA 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Community Affairs, and subject to the provisions of the Act.

12-1-2 **LENGTH OF ENTERPRISE ZONE.** The term of the zone shall commence with the date the Altamont Enterprise Zone is designated and certified by the Illinois Department of Commerce and Community Affairs pursuant to Section 5.3 of the Act, and shall terminate at midnight of **December 31** of the **twentieth (20th) year** after the year in which the Enterprise Zone is certified.

12-1-3 **LEGAL DESCRIPTION.** As established by the City of Altamont and approved by the Illinois Department of Commerce and Community Affairs (DCCA), the area encompassed by the Altamont Enterprise Zone shall be as described in “**Exhibit A**” and as outlined in the map in “**Exhibit B**”, which are attached to this Chapter and made a part hereof.

12-1-4 **QUALIFIED AS ZONE.** The City hereby declares and affirms that the Altamont Enterprise Zone is qualified for certification as an Enterprise Zone, and further affirms that:

- (A) the zone is a contiguous area;
- (B) the zone comprises a minimum of **one-half (1/2) square mile** and not more than **ten (10) square miles** in total area;
- (C) the zone area is an economically distressed area as defined by the regulations promulgated by the Illinois Department of Commerce and Community Affairs in that the area designated as the Enterprise Zone meets the “low income test” for eligibility therein prescribed;
- (D) the zone satisfies the additional conditions and criteria established by the Illinois Enterprise Zone Act and the regulations promulgated by the Illinois Department of Commerce and Community Affairs; and
- (E) that on **January 25, 1991**, the City of Altamont, Illinois conducted a public hearing within the Altamont Enterprise Zone on the question of whether to create the Enterprise Zone, what local plans, tax incentives and other programs should be established in connection with the Enterprise Zone, and what the initial and future boundaries of the

Altamont Enterprise Zone should be, and that public notice was given in at least one local newspaper of general circulation within the Enterprise Zone, not more than **twenty (20) days** nor less than **five (5) days** before the hearing.

The Altamont Enterprise Zone shall be governed, managed and operated by an Enterprise Zone Administrator under the general supervision of a **five (5) to seven (7) member** Enterprise Zone Board in accordance with appointments to be made by the Mayor of the City of Altamont, Illinois and confirmed by the Altamont City Council as set forth in **“Exhibit C”** (which is attached hereto and incorporated by this reference).

12-1-5 LOCAL INCENTIVES. The Mayor and City Council of the City of Altamont, in an effort to facilitate the successful operation of the Altamont Enterprise Zone, hereby authorize and agree to provide a range of local development incentives and inducements (to complement the range of state incentives) throughout the life of the Enterprise Zone in accordance with the policies and procedures set forth in **Sections 12-1-6 through 12-1-9** of this Chapter and those which may be established and implemented following certification of the Altamont Enterprise Zone by the Illinois Department of Commerce and Community Affairs.

12-1-6 TAX ABATEMENT. The City of Altamont shall provide property (i.e., real estate) tax abatement for projects within the Altamont Enterprise Zone in accordance with the following provisions:

(A) **Industrial Projects.** Those projects where the primary use of the project land and building(s) is of a manufacturing, assembling, wholesale or warehouse/distribution nature. Projects meeting this definition are eligible to receive property (i.e., real estate) tax abatement of **one hundred percent (100%)** of the increased assessment amount which would accrue from expansion, rehabilitation or new construction for a **ten (10) year period** beginning with the tax year in which the new increased assessment amount would be levied. However, under no circumstances shall the real estate tax abatement period extend beyond the **twenty (20) year** life of the Altamont Enterprise Zone as provided for in **Section 12-1-2** of this Chapter.

Expansion shall be herein defined as the construction of any part of a building that results in an increase in any exterior dimension of an existing building and has at least **one (1) wall** or floor in common with an existing building. Rehabilitation shall herein be defined as the improvement of any part of an existing building that does not result in an increase in any exterior dimension of the building. New construction shall be herein defined as the improvement of any tract of land or site with a building where the interior space is encased by exterior walls none of which are common along any plane or otherwise shared with an existing building.

(B) **Commercial Projects.** Those projects where the primary use of the project land and building(s) is of a retail or service nature. Commercial projects shall include nursing homes, and multi-family residential developments of **six (6) units** or more. Projects

meeting this definition are eligible to receive property (i.e., real estate) tax abatement of **one hundred percent (100%)** of the increased assessment amount which would accrue from expansion, rehabilitation or new construction.

Expansion, rehabilitation or new construction shall be defined as set forth in **Section 12-1-6(A)** above for a **five (5) year** period beginning with the tax year in which the new increased assessment amount would be levied. However, under no circumstances shall the real estate tax abatement period extend beyond the **twenty (20) year** life of the Altamont Enterprise Zone as provided for in **Section 12-1-2** of this Chapter.

(C) **Residential Projects.** Those projects where the primary use of the project land and building(s) is to provide a single-family detached dwelling or a multi-family dwelling of up to **five (5) attached units**. Projects meeting this definition are eligible to receive property (i.e., real estate) tax abatement of **one hundred percent (100%)** of the increased assessment amount which would accrue from expansion, rehabilitation or new construction.

Expansion, rehabilitation or new construction shall be defined as set forth in **Section 12-1-6(A)** of this Chapter for a **five (5) year** period beginning with the tax year in which the new increased assessment amount would be levied. However, under no circumstances shall the abatement period extend beyond the **twenty (20) year** life of the Altamont Enterprise Zone as provided for in **Section 12-1-2** of this Chapter.

(D) The City of Altamont hereby authorizes and directs the Effingham County Clerk to abate that portion of the property tax due to the City of Altamont which is attributable to the construction of, improvements to and/or renovation/rehabilitation of future improvements to any industrial, commercial or residential real property located within the boundaries of the Altamont Enterprise Zone for the time periods specified in this Chapter.

However, during the abatement period established by the Altamont Enterprise Zone, all property taxes (i.e., real estate taxes) previously levied on the existing land and building(s) would continue to be paid annually based on the “pre-project” land and building(s) “base” in accordance with the property’s established equalized assessed valuation and the applicable tax rates.

12-1-7 CONSTRUCTION PERMIT FEES WAIVED. The City of Altamont, Illinois hereby agrees to waive the amount which would customarily be charged for any and all fees or permits for rehabilitation, expansion or new construction associated with industrial, commercial and/or residential projects located within the Altamont Enterprise Zone. The provision of this incentive shall not be construed to provide for the elimination of any permit. All construction-related permits shall continue to be required for any project, as has been the case in the past and as may be required in the future by the Altamont City Council. This waiver of municipal fees normally collected by the City of Altamont shall not include water and sewer tap fee. etc.

12-1-8 SALES TAX EXCLUSIONS. The City of Altamont hereby authorizes claims for “point of sale” exemptions under Section 5(K) of the Retailers’ Occupation Tax Act by each retailer or vendor whose place of business is located within the City of Altamont corporate limits. Such sales tax exemptions shall only be authorized in connection with the sale of building materials to be incorporated into real estate within the Altamont Enterprise Zone for rehabilitation, expansion and/or new construction of residential, commercial or industrial projects.

The retailer may grant an exemption of the tax under the Retailers’ Occupation Tax Act in accordance with the provisions of the Illinois Enterprise Zone Act and the terms of this Chapter. In order to receive the retail sales tax exemption or credit (which is provided through the building materials retailer), the following qualification criteria must be met:

(A) The materials must be purchased within the City of Altamont through a legitimate building materials retailer and/or distributor.

(B) The building materials must be permanently affixed to real estate located within the Altamont Enterprise Zone.

(C) Only industrial or commercial projects which normally require a building permit (from the City of Altamont) or involve the aggregate purchase of building materials costing **Five Thousand Dollars (\$5,000.00)** or more (within **twelve (12) months** of the issuance of a certificate of eligibility) will be eligible to receive the credit.

(D) Only residential projects which normally require a building permit (from the City of Altamont) or involve the aggregate purchase of building materials costing **One Thousand Five Hundred Dollars (\$1,500.00)** or more (within **twelve (12) months** of the issuance of a certificate of eligibility) will be eligible to receive the credit.

(E) Evidence of a project’s physical location within the Altamont Enterprise Zone in the form of a “Certificate of Eligibility” provided by the Enterprise Zone Administrator (or a copy of the City’s building permit (where applicable) issued by the City’s Building Official) must be presented to the retailer at the time of building material purchase to implement this incentive.

(F) “Certificate of Eligibility” shall be valid for **twelve (12) months** from the date of issuance. Certificates may be extended for an additional period of **twelve (12) months** upon re-application to the Enterprise Zone Administrator. Such extensions shall be granted no more than **two (2) times** for any **one (1) project** and are subject to a determination by the Enterprise Zone Administrator that they are necessary to complete the project and are not necessitated by the failure of the applicant to diligently pursue construction. **(Ord. No. 246-92; 04-13-92)**

12-1-9 TARGETING FUNDS FOR PROJECTS. The City of Altamont hereby agrees to target funds it is scheduled to receive or may in the future receive from the sources listed below on a “first priority basis” to projects located within the Altamont Enterprise Zone. Such targeting means, that to the extent qualifying specific projects and/or project areas exist within the Altamont Enterprise Zone (in accordance with the criteria established for each source/program), the City of Altamont will give priority consideration to

the use of such funds to support projects or areas within the Altamont Enterprise Zone. However, this incentive shall not be construed to mean that other worthwhile projects located outside the Altamont Enterprise Zone which more fully meet specific program criteria and/or which demonstrate a greater benefit for the community would be excluded from consideration by the Altamont City Council.

“First Priority” is herein further defined as applying to project evaluation when all aspects of **two (2)** or more simultaneous projects or project areas are “generally equal”. In such instances, priority consideration would be given by the Altamont City Council to those projects or areas located within the Altamont Enterprise Zone.

“Projects” are herein defined as including the following items: public infrastructure and/or facility improvements; public sector grant and/or loan programs for commercial, industrial and/or residential properties; job training funds; and public sector land acquisition in support of specific projects, etc. Potential public funds/program sources to be targeted on a “first priority” basis may include the following:

(A) The Small Cities component of the Community Development Assistance Program (CDAP) subsequent to the state approval of the Altamont Enterprise Zone.

(B) JTPA Employee Training funds as may be available through the State of Illinois and/or SDA 23 subsequent to the date of state approval of the Altamont Enterprise Zone.

(C) Industrial revenue bonds, issued through the authority of the City of Altamont, subsequent to the date of state approval of the Altamont Enterprise Zone.

(D) Direct grants and/or pass-through loans to be provided to the City of Altamont under various state business development financing programs, subsequent to the date of state approval of the Altamont Enterprise Zone.

(E) Build Illinois Funds as may be available through the State of Illinois subsequent to the date of state approval of the Altamont Enterprise Zone.

(F) Loans for commercial, industrial and/or residential projects to be made available under any City-established program(s) such as a “Revolving Loan Fund”, subsequent to the date of state approval of the Altamont Enterprise Zone.

12-1-10 **ADMINISTRATOR DESIGNATED.** The Mayor and City Council of the City of Altamont in an effort to successfully facilitate proper management, operation and development of the Altamont Enterprise Zone shall designate an Enterprise Zone Administrator, Deputy Zone Administrator and Enterprise Zone Board in accordance with the provisions set forth in “**Exhibit C**” appended hereto to this Chapter.

12-1-11 **ADDITIONAL INCENTIVES ALLOWED.** This Chapter does not prohibit the City of Altamont from extending additional tax incentives or reimbursements for residents and business enterprises located within the Altamont Enterprise Zone nor throughout the other areas of the City of Altamont by separate ordinance.

[Unless Otherwise Noted, This Chapter Ord. No. 232; 01-25-91]

EXHIBIT "A"

LEGAL DESCRIPTION OF AMENDED ENTERPRISE ZONE

Beginning at the Northwest corner of the Southeast Quarter of Section Nine (9); thence South, along the West line of the Southeast Quarter of Section Nine (9) and the West line of the Northeast Quarter of Section Sixteen (16), to the Southwest corner of Lot 7 of Goer's Addition; thence East, along the North line of West Grant Avenue, a distance of 270 feet 10 inches, to the Southeast corner of Lot 6 of Goer's Addition; thence North, along the West line of South Tenth Street, a distance of 530 feet, to a point 60 feet West of the Northwest corner of Lot 9 of Marten Heights Subdivision, Part "A"; thence East 490.8 feet, to the Northeast corner of Lot 21 of Marten Heights Subdivision, Part "A"; thence South 530 feet to the Southeast corner of Lot 32 or Marten Heights Subdivision, Part "A", being a point on the North line of West Grant Avenue; thence Southeasterly, to the Northeast corner of Block 1 of D. Alber's Addition, at the intersection of West Grant Avenue and South Eighth Street; thence South, along the West line of South Eighth Street, 1299.3 feet, to the Southeast corner of Lot 9 of Block 3 in Velottie Village Addition; thence Southwesterly, along the Northerly right of way line of U.S. Route 40, to the West line of the Northeast Quarter of Section Sixteen (16); thence South to the Southwest corner of the Northeast Quarter of Section Sixteen (16); thence East, along the South line of the Northeast Quarter of Section Sixteen (16), to the East right of way line of the former Prairie Trunk Railroad Company; thence South, along the East right of way line of the former Prairie Trunk Railroad Company, to the Northwest corner of Lot 36 of the Modified Plat of Southmore Heights First Addition; thence in a South and Easterly direction, along the Northerly lines of Lot 36, Lot 35, Lot 34, and Lot 33 of the Modified Plat of Southmore Heights First Addition, a distance of 772 feet, more or less, to the Northeast corner of said Lot 33; thence Southwesterly, 234 feet, to the Southeast corner of said Lot 33; thence Southeasterly, across Fairlane Circle, to the Northeast corner of Lot 77 of the Modified Plat of Southmore Heights First Addition; thence South 710 feet, to the Southeast corner of Lot 69 of the Modified Plat of Southmore Heights First Addition; thence West 120 feet, to the Southwest corner of said Lot 69; thence North, along the East line of Lincoln Drive, 18 feet, more or less, to a point 60 feet East of the Northeast corner of Lot 101 of the Southmore Heights, Third Addition; thence West 360 feet West of the Northwest corner of Lot 101 of Southmore Heights, Third Addition, thence Southeasterly, along the Southwesterly line of Fairlane Circle, to the Northeast corner of Lot 122 of Southmore Heights, Fourth Addition as Resurveyed; thence South 468.53 feet, to the Southeast corner of Lot 108 of Southmore Heights, Fourth Addition as Resurveyed; thence West 342.87 feet to the Southwest corner of Lot 107 of Southmore Heights, Fourth Addition as Resurveyed; thence South, along the East right of way line of the former Prairie Trunk Railroad Company, a distance of 478.1 feet, more or less, to the Northerly right of way line of Federal Aid Interstate (F.A.I.) Route 70; thence North 70 degrees 52 minutes East, along the Northerly right of way line of F.A.I. Route 70, a distance of 681.6 feet; thence North 1 degree 15 minutes East 215 feet, to a point

20 feet South 1 degree 15 minutes West and 300.5 feet South 88 degrees 15 minutes West of the Northeast corner of Section Twenty-one (21); thence North 88 degrees 15 minutes East 100 feet; thence South 1 degree 15 minutes West 183 feet, to the Northerly right of way line of F.A.I. Route 70; thence North 70 degrees 52 minutes East, along the Northerly right of way line of F.A.I. Route 70, a distance of 150.7 feet, to the Westerly right of way line of Federal Aid Secondary (F.A.S.) Route 712; thence South 1 degree 15 minutes West, along the Westerly right of way line of F.A.S. Route 712, a distance of 679.9 feet; thence North 88 degrees 45 minutes West, along said F.A.S. Route 712 right of way line, 55 feet; thence South 1 degree 15 minutes West, along said F.A.S. Route 712 right of way line, 98.3 feet, to a point 944.2 feet South 1 degree 15 minutes West and 125 feet North 88 degrees 45 minutes West of the Northeast corner of Section Twenty-one (21); thence North 88 degrees 45 minutes West 182.6 feet; thence South 1 degree 15 minutes West 371.1 feet; thence North 87 degrees 30 minutes East 258.1 feet, to the West right of way line of F.A.S. Route 712; thence South 1 degree 15 minutes West, along said F.A.S. Route 712 right of way line, 42 feet, more or less, to a point 40 feet South 87 degrees 32 minutes West of the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section Twenty-two (22); thence North 87 degrees 32 minutes East 80 feet, to the East right of way line of said F.A.S. Route 712; thence North 87 degrees 32 minutes East 648 feet; thence North 1 degree 15 minutes East 379 feet, to the South right of way line of a frontage road along the South side of said F.A.I. Route 70; thence Westerly, along the South right of way line of said frontage road, being a curve to the right having a radius of 800.75 feet, an arc distance of 232 feet; thence North 87 degrees 37 minutes West, along the South right of way line of said frontage road, 382 feet; thence South 45 degrees 00 minutes West 35.3 feet, to the East right of way line of said F.A.S. Route 712; thence North 1 degree 15 minutes East, along the said F.A.S. Route 712 right of way line, a distance of 1560 feet, more or less, to a point 557.4 feet North 1 degree 15 minutes East and 60 feet South 88 degrees 45 minutes East of the Southwest corner of Section Fifteen (15); thence South 45 degrees 00 minutes East 35.3 feet, to the North right of way line of F.A.I. Route 70; thence South 88 degrees 45 minutes East, along the North right of way line of said F.A.I. Route 70, a distance of 225.0 feet; thence North 1 degree 15 minutes East 786.0 feet; thence South 88 degrees 08 minutes West 250.0 feet, to the East right of way line of F.A.S. Route 712; thence North 1 degree 15 minutes East, along the said F.A.S. Route 712 right of way line, 99 feet, more or less, to a line 1282 feet South of and parallel with the North line of the Southwest Quarter of Section Fifteen (15); thence Easterly 270 feet; thence Northerly 457 feet; thence Westerly 270 feet, to the East right of way line of said F.A.S. Route 712; thence Northerly, along the said F.A.S. Route 712 right of way line, 70 feet, more or less; thence Westerly, along the said F.A.S. Route 712 right of way line, 20 feet; thence Northerly, along the East right of way line of said F.A.S. Route 712, to the Southwest corner of Lot 29 of Parkview Estates; thence East 192 feet, to the Southeast corner of Lot 29 of Parkview Estates; thence North 317.4 feet, to the Northeast corner of Lot 29 of Parkview Estates; thence East 10.2 feet; thence North 24 degrees 00 minutes East 161 feet, more or less, to the Northwest corner of Lot 27 of Parkview Estates; thence Northeasterly, along the Southerly right of way line of U.S. Route 40, a distance of 1212.5 feet, to the East line of the West half of the

Northwest Quarter of Section Fifteen (15); thence South, along the East line of the West half of the Northwest Quarter of Section Fifteen (15), a distance of 1337.1 feet, to the Northeast corner of Reiss-Evans Addition; thence West 1290.7 feet, to the Northwest corner of Reiss-Evans Addition; thence South, along the East right of way line of F.A.S. Route 712 (also known as South Main Street), a distance of 165 feet, to the Southwest corner of Reiss-Evans Addition, being on the South line of the Northwest Quarter of Section Fifteen (15); thence East to the Southeast corner of the East half of the Northwest Quarter of Section Fifteen (15); thence North 1 degree 03 minutes 50 seconds East, along the East line of the East half of the Northwest Quarter of Section Fifteen (15), a distance of 1039.50 feet; thence North 88 degrees 56 minutes 10 seconds West 24.00 feet; thence North 1 degree 03 minutes 50 seconds East 688.00 feet; thence South 68 degrees 35 minutes 40 seconds West 150.00 feet; thence North 1 degree 03 minutes 50 seconds East 250.00 feet, to the Southerly right of way line of U.S. Route 40; thence South 68 degrees 35 minutes 40 seconds West, along the Southerly right of way line of U.S. Route 40, a distance of 548.10 feet, to the Northeast corner of Park Addition to First Subdivision; thence Northwesterly to the intersection of the Northerly right of way line of U.S. Route 40 and the East line of South Ewing Street; thence North, along the East line of South Ewing Street and an extension thereof, to the North line of East Division Street; thence West, along the North line of East Division Street, 607 feet, more or less, to the East line of the West half of the Southwest Quarter of Section Ten (10); thence North to the Northeast corner of the West half of the Southwest Quarter of Section Ten (10); thence West to the quarter corner common to Sections Nine (9) and Ten (10); thence West, along the North line of Southeast Quarter of Section Nine (9), to the West right of way line of the Missouri Pacific Railroad (formerly the Chicago and Eastern Illinois Railroad Company); thence South, along the West line of said Missouri Pacific Railroad, 452 feet, more or less, to the North line of West Jackson Avenue; thence West, along the North line of West Jackson Avenue, 245.41 feet; thence North 442.5 feet, more or less, to the North line of the Southeast Quarter of Section Nine (9); thence West, along the North line of the Southeast Quarter of Section Nine (9), to the Point of Beginning, EXCEPTING THEREFROM, the following Two Tracts:

Tract 1. Beginning at the Northeast corner of the Southeast Quarter of Section Sixteen (16); thence South 8 and 5/8 rods; thence West 36 and 24/26 rods; thence North 8 and 5/8 rods; thence East 36 and 24/26 rods, to the place of beginning.

Tract 2. Commencing at the Northeast corner of the Southeast Quarter of Section Sixteen (16); thence South 0 degree 16 minutes West, along the East line of the Southeast Quarter of Section Sixteen (16), a distance of 810 feet, to the Point of Beginning; thence South 0 degree 16 minutes West 60 feet; thence South 87 degrees 39 minutes West, parallel with the North line of the Southeast Quarter of Section Sixteen (16), 605 feet; thence North 0 degree 16 minutes East 429 feet; thence North 87 degrees 39 minutes East 265 feet; thence South 0 degree 16 minutes West 225 feet, to a point in the center of an existing creek flowing Southeasterly, said point being 15 feet North 72 degrees 42 minutes East of an iron rod; thence Southeasterly, along the center of said creek, 149 feet, more or less, to a point 15.21 feet North 87 degrees 39 minutes East of another iron rod; thence North 87 degrees 39 minutes East 295.79 feet, to the Point of Beginning.

ALL SITUATED IN Township Seven North, Range Four East of the Third Principal Meridian, in the City of Altamont, County of Effingham and State of Illinois.

CHAPTER 13

FAIR HOUSING CODE

13-1-1 **SHORT TITLE.** This Code shall be known and may be cited as the Fair Housing Code of the City.

13-1-2 **PURPOSE AND DECLARATION OF POLICY.** It is hereby declared to be the policy of the City and the purpose of this Code, in the exercise by the City of its police and regulatory powers for the protection of the public safety for the health, morals, safety, and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry and good government in the City, to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent, or occupy housing without discrimination based on race, color, religion or national origin.

13-1-3 **CONSTRUCTION.** This Code shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in **Section 13-1-2** and the special purposes of the particular provision involved.

13-1-4 **DEFINITIONS.** For the purposes of this Code:

(A) **“Dwelling”** means any building or structure, or portion thereof, within the City which is arranged, designed or used as a home, residence or living quarters of one or more individuals.

(B) **“Housing”** includes any building or structure, or portion thereof, within the City, which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or living quarters of one or more individuals, groups or families, and includes any vacant land within the City which is zoned and intended to be used for the construction of any such building or structure.

(C) **“Lease”** includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.

(D) **“Lending institution”** means any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to a security interest in real estate, but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

(E) **“National origin”** includes the national origin of an ancestor.

(F) **“Owner”** means any person who holds legal or equitable title to, or owns any beneficial interest in, any Dwelling or Housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any Dwelling or Housing.

(G) **“Person”** includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

(H) **“Purchase”** includes any contract to purchase.

(I) **“Real estate agent”** means any real estate broker, and real estate salesman, and any other person who, as employee or agent or otherwise, engages in the management or operation of any Dwelling or Housing.

(J) **“Real estate broker”** means any person licensed as a real estate broker in accordance with the provisions of the Illinois Compiled Statutes, or required thereby to be so licensed. (See 225 ILCS Sec. 455/1 et seq.)

(K) **“Real estate salesman”** means any person licensed as a real estate salesman in accordance with the provisions of the Illinois Compiled Statutes, or required thereby to be so licensed.

(L) **“Real estate transaction”** means the purchase, sale, exchange, or lease of any Dwelling or Housing, and an option to do any of the foregoing.

(M) **“Sale”** includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to or a beneficial interest in real estate.

13-1-5 DISCRIMINATORY TERMS. It shall be an unlawful housing practice and a violation of this Code for any owner or other person to sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion or national origin.

13-1-6 REFUSALS TO DEAL. It shall be an unlawful housing practice and a violation of this Code for any owner or other person to refuse to negotiate for, enter into, or perform any sale or lease of any dwelling or housing, because of the race, color, religion or national origin of any party, to such sale or lease, or of any member of the family of any such party, or of any person using or occupying or intending to use or occupy such dwelling or housing, or of any person using or occupying any dwelling or housing in the area in which such dwelling or housing is located.

13-1-7 WITHHOLDING HOUSING. It shall be an unlawful housing practice and a violation of this Code for any owner or other person to represent to any person that any dwelling or housing is not available for inspection, purchase, sale, lease, or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, religion or national origin.

13-1-8 ADVERTISEMENTS. It shall be an unlawful housing practice and a violation of this Code for any owner or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this Code.

13-1-9 ADVERTISEMENTS, CAUSING OR PERMITTING. It shall be an unlawful housing practice and a violation of this Code for any owner or other person to cause any person to circulate or publish a statement, advertisement or notice that such owner or other person intends to sell or lease any dwelling or housing in a manner that is unlawful under this Chapter, or to consent thereto.

13-1-10 SIGNS AND NOTICES. It shall be an unlawful housing practice and a violation of this Code for any owner or other person to post or erect, or cause any person to post or erect, any sign or notice upon any dwelling or housing, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under this Chapter.

13-1-11 EXEMPTIONS. This Code shall not apply to the rental of any room or dwelling unit in any owner-occupied dwelling which consists of more than one (1) but less than five (5) dwelling units. As used herein, the term “dwelling unit” means one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family or one (1) individual. The term owner includes the spouse or any lineal descendant or ancestor of the owner.

13-1-12 LIMITATIONS. Nothing in this Code shall require an owner to offer property to the public at large before selling or renting it, providing he complies with all other provisions of this Code. Nor shall this Code be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color or national origin. Nothing in this Code shall require an owner to offer property for sale or lease or to show his property to any person if such person is not negotiating for the purchase or lease of such property in good faith.

13-1-13 WITHHOLDING HOUSING. It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person to represent to any person that any dwelling or housing is not available for inspection, sale, lease or occupancy when in fact it is so available or otherwise to withhold housing from any person because of race, color, religion or national origin.

13-1-14 **REFUSALS OF OFFERS.** It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person to refuse to receive or to fail to transmit a bonafide offer for the purchase, sale, exchange or lease of any dwelling or housing because of the race, color, religion or national origin of the person making such offer.

13-1-15 **ADVERTISEMENTS.** It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this Code.

13-1-16 **SIGNS AND NOTICES.** It shall be an unlawful housing practice and a violation of this Code for any real estate agent or other person to post or erect, or cause or permit any person to post or erect, any sign or notice upon any dwelling or housing, other person, indicating an intent to sell or lease any dwelling or housing in a manner that is unlawful under this Code.

13-1-17 **LICENSING.** Every real estate broker shall apply for and obtain a license from the City prior to transacting any business involving real estate in the City as a real estate broker and prior to advertising or assuming to act as such real estate broker. The commission of a single act as such real estate broker without such license shall constitute a violation of this Code. (See 225 ILCS Sec. 455/33 for preemptive powers)

13-1-18 **DISCRIMINATION IN LENDING.** It shall be an unlawful housing practice and a violation of this Code for any lending institution, in making, agreeing to make, arranging, or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, conditions or privileges that discriminate between persons because of race, color, religion or national origin.

13-1-19 **REFUSALS TO DEAL IN LENDING.** It shall be an unlawful housing practice and a violation of this Code for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing because of the race, color, religion or national origin of any party to such agreement or of any member of the family of any such party, or of the residents of the area in which such dwelling or housing is located.

13-1-20 **COVERAGE.** This Code shall apply, respectively, to every real estate agent who, within the City, performs any function as such real estate agent but does not maintain an office or place of doing business within the City, and this Code applies to every real estate agent and lending institution who maintains an office of place of doing business within the City; provided, however, that the provisions of this Code shall not be so construed as to prohibit a real estate broker or real estate agent on behalf of the owner, from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion or national origin.

13-1-21 **REPRESENTATION.** It shall be an unlawful housing practice and a violation of this Code for any person, for the purpose of inducing any other person to enter into a real estate transaction with such person, his principal or his agent.

(A) To represent that a change has occurred, will occur or may occur with respect to the race, color, religion or national origin in composition of the owners or occupants in any block, neighborhood or area in which the dwelling or housing (which is the subject of the real estate transaction) is located, or

(B) To represent that a change with respect to the race, color, religion or national origin in the composition of the owners or occupants in any block, neighborhood or area will result in lowering of property values, or in an increase in criminal or anti-social behavior, or in a decline in the quality of schools, in such block, neighborhood or area.

13-1-22 **OTHER VIOLATIONS.** It shall be an unlawful housing practice and a violation of this Code for any person:

(A) To aid, abet, incite, or coerce a person to engage in unlawful housing practice,

(B) Willfully to interfere with the performance of a duty or the exercise of a power by the City Council or one of its members or representatives, or

(C) Willfully to obstruct or prevent a person from complying with the provisions of this Code or an order issued thereunder.

13-1-23 **COMPLAINTS.**

(A) Any person aggrieved in any manner by a violation of any provisions of this Code may file with the City Council a written verified complaint setting forth his grievance. The complaint shall state:

- (1) the name and address of the complainant;
- (2) the name and address of the person against whom the complaint is brought, if known to the complainant; and
- (3) the alleged facts surrounding the alleged violation of this Code; and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts.

(B) After the filing of any complaint, the City Council shall serve a copy of the complaint on the party or parties charged.

13-1-24 HEARINGS BY CITY COUNCIL.

(A) Such hearing shall be conducted by the City Council upon due and reasonable notice to all parties. The City Council shall have power to administer oaths and to take sworn testimony. Any party alleged to have violated this Code shall be entitled to be represented by counsel and shall have the right to call witnesses in his own behalf and to cross-examine witnesses.

(B) At the conclusion of such hearing, the City Council shall render the complainant a decision.

13-1-25 ENFORCEMENT.

(A) The City Council shall be empowered to order any person found to be engaging in an unfair housing practice to cease and desist from such practice, upon such terms as shall be necessary and proper for the enforcement of this Code.

(B) The City Council shall be empowered at the conclusion of proceedings held under Section 13-1-24, to direct the City Attorney to do any one or more of the following:

(1) To institute and prosecute proceedings to enforce, against any person found in violation of this Code, the fine provided for in Section 13-1-27 below;

(2) To apply to any court of competent jurisdiction;
(a) for an order restraining any person from violating any provision of this Code.
(b) for such other or further relief as may seem to the court appropriate for the enforcement of this Code and the elimination of violations hereof.

(3) To petition or institute proceedings with the Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any real estate broker or real estate salesman found to have violated any provision of this Code.

(4) In the case of any unlawful housing practice or violation of this Code by any person in the course of performing under a contract or subcontract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of this Code.

(C) The City Council may issue such cease and desist orders and may direct such action by the City Attorney, as shall be necessary for the enforcement of this Code.

13-1-26 **REMEDIES.** Any person aggrieved in any manner by the violation of any provision of this Code who has exhausted the remedies provided in Section 13-1-24 of this Code may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

- (A) An order compelling compliance with this Code;
- (B) An order to prohibit any person found by the court to have violated any provision of this Code from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation;
- (C) An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing or any person who, in violation of this Code, refuses or fails to perform such contract;
- (D) Compensatory damages; and
- (E) Such other and further relief as may seem to the court appropriate for the enforcement of this Code and the elimination of violations hereof.

13-1-27 **FINES.** Any person who violates any provision of this Code shall be subject to a fine not to exceed **Five Hundred Dollars (\$500.00)**.

13-1-28 **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of the Code and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(See ILCS Sec. 5/11-11.1-1)

CHAPTER 14

FLOOD PLAIN CODE

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

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect health, safety and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F) To make federally subsidized flood insurance available; and
- (G) To recognize the environmental sensitivity of floodplains and to encourage their protection from inappropriate growth and development.

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

BASE FLOOD: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood. The base flood elevation at any location is as defined in **Section 14-1-3** of this Code.

BUILDING: A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes and prefabricated buildings. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days**.

DEVELOPMENT: Any man-made change to real estate including:

- (A) Construction, reconstruction, or placement of a building, or any addition to a building, exceeding **seventy (70) square feet** in floor area;

- (B) Substantial improvement of an existing building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days**;
- (D) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) Construction or erection of levees, dams, walls, or fences;
- (F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (G) Storage of materials including the placement of gas and liquid storage tanks; and
- (H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve a change in the ground surface elevation.

FEMA: Federal Emergency Management Agency.

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

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

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

FLOODPLAIN ADMINISTRATOR: The individual serving on the Altamont City Council as Commissioner of Public Affairs and responsible for the administration of the Flood Plain Code.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): They are synonymous. Those lands within the jurisdiction of the City that are subject to inundation by the base flood. The floodplains of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated September 4, 1985. The floodplains of those parts of unincorporated **Effingham County** that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for **Effingham County** by the Federal Emergency Management Agency and dated **December 23, 1977**.

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

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

FLOOD PROTECTION ELEVATION OR FPE: The elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

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

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

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

NFIP: National Flood Insurance Program.

SFHA: See definition of floodplain.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

SUBSTANTIAL IMPROVEMENT: is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

14-1-3 BASE FLOOD ELEVATION. The best available base flood elevation data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace the existing data with better data and submit it to the Federal Emergency Management Agency for approval.

(A) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the Flood Insurance Rate Map of the City shall be according to the best data available from Federal, State or other sources. Should no other data exist, an engineering study should be done to determine base flood elevations.

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

14-1-4 DUTIES OF THE FLOODPLAIN ADMINISTRATOR. The Floodplain Administrator shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Code. Specifically, the Floodplain Administrator shall:

(A) Process development permits in accordance with **Section 14-1-5**;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6**.

(C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8**;

(E) If a variance is requested, ensure that the requirements of **Section 14-1-9** are met and maintain documentation of any variances granted;

(F) Inspect all development projects and take any and all actions outlined in **Section 14-1-11** as necessary to ensure compliance with this Code;

(G) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(H) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(I) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code; and

(J) Maintain for public inspection base flood data, floodplain maps, copies of State and Federal permits, and documentation of compliance for development activities subject to this Code.

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

(A) **Application Documents.** The application for development permit shall be accompanied by:

- (1) drawings of the site, drawn to scale showing property line dimensions;
- (2) existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) the location and dimensions of all buildings and additions to buildings, and
- (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7** of this Code.

(B) **Elevation Comparisons.** Upon receipt of an application for development permit, the Floodplain Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not in the floodplain and therefore not subject to the requirements of this Code.

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

14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within all floodplains where a floodway has not been delineated, the following standards shall apply:

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

- (1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
 - (9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
 - (10) Any development determined by IDNR/OWR to be located entirely in a flood fringe area.
- (B) Other development activities not listed in (A) may be permitted only if:
- (1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
 - (2) Sufficient data has been provided to FEMA when necessary to approve a revision of the regulatory map and base flood elevation.

14-1-7 PROTECTING BUILDINGS.

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

- (1) Construction or placement of a new building valued at more than **One Thousand Dollars (\$1,000.00)**;
- (2) Substantial improvements made to an existing building;
- (3) Structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)**;
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and
- (5) Installing a travel trailer on a site for more than **one hundred eighty (180) days**.

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

- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (b) The fill shall be placed in layers no greater than **one (1) foot** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation;

- (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
- (d) The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and
- (e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; or
- (2) The building may be elevated in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (c) If walls are used, all fully enclosed areas below the lowest floor must be used solely for parking or building access and shall be designed to allow entry and exit of flood waters. Designs must either be certified by a registered professional engineer or architect or have a minimum of two (2) permanent openings no more than one (1) foot above grade and providing a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding;
 - (d) the foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
 - (e) all structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
 - (f) water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
 - (g) no area below the flood protection elevation shall be used for storage of items or materials.

(C) Manufactured homes and travel trailers to be installed on site for more than **one hundred eighty (180) days** shall be:

- (1) elevated to or above the flood protection elevation; and

- (2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) **Non-Residential** buildings may be structurally floodproofed (in lieu of elevation) provided a registered professional engineer certified that:

- (1) below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (2) the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impact from debris and ice; and
- (3) floodproofing measures will be operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

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

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

- (1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
- (2) The boundary of the floodway when available; and
- (3) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**See 765 ILCS Sec. 205/2**).

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

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of **Section 14-1-7** of this Code.

- (2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the flood protection elevation are watertight.

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

14-1-9 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for review. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) **Requirements for Variance.** No variance shall be granted unless the applicant demonstrates that:

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

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

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

(C) Variances to the building protection requirements of **Section 14-1-7** of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places may be granted using criteria more permissive than the requirements of **Section 14-1-19 (A)(1-5)**.

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

14-1-10 **DISCLAIMER OF LIABILITY.** The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

14-1-11 **PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Floodplain Administrator may determine that a violation of the minimum standards of this Code exists. The Floodplain Administrator shall notify the owner in writing of such violation.

(A) If such owner fails, after **ten (10) days'** notice, to correct the violation:

- (1) The City may make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.
- (2) Any person who violates this Code shall, upon conviction thereof, be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Dollars (\$200.00)**.
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

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

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

14-1-12 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 284; 07-23-96)

CHAPTER 15

FRANCHISES

ARTICLE I - GAS FRANCHISE

15-1-1 GAS FRANCHISE. The following does hereby represent a non-exclusive franchise to United Cities Gas Company, to-wit:

Section I. The following terms shall have the following meanings:

“City” means the City of Altamont, Illinois.

“Company” means Atmos Energy Corporation, a Texas Corporation.

“Natural Gas System” means the physical facilities, gas mains, service pipes, regulator stations and all other necessary and appropriate equipment and facilities for the safe and efficient transmission, distribution, supplying and selling of natural gas and its by-products to the City and the inhabitants thereof for domestic, commercial, industrial, and institutional uses and other purposes for which it is or may hereafter be used.

“Public Way” means in, upon, under, along, across and over the highways, streets, avenues, roads, alleys, lanes, ways, utility easements, parkways and other public grounds in the present or future corporate limits and in the environs of the City. **(Ord. No. 290; 01-27-97)**

Section II. There is hereby granted to United Cities Gas Company, a corporation organized and existing under the laws of the State of Illinois, its successors and assigns (hereinafter for convenience, individually and collectively, referred to as “Company”), the non-exclusive right, authority, privilege and franchise to construct, maintain and operate a system of gas mains, service pipes, regulator stations and all other necessary and appropriate equipment and facilities for the distribution of natural gas, in, upon, under, along, across and over the highways, streets, avenues, roads, alleys, lanes, ways, utility easements, parkways and other public grounds in the present or future corporate limits and in the environs of the community and City of Altamont (hereinafter for convenience referred to as “City”), for the supplying and selling of natural gas and its by-products to said City and the inhabitants, institutions and businesses thereof, and for such purposes to construct, lay down, maintain, and operate all necessary gas mains, service pipes and other appliances, fixtures and facilities as may be necessary for the transmission, distribution and sale of such gas to the inhabitants of said City for domestic, commercial, industrial and institutional uses, and other purposes for which it is or may hereafter be used, for a period of **twenty (20) years** from and after the passage and approval of this Code.

Section III. In the event of the sale, transfer, lease or assignment by the Company of the rights and privileges herein granted, such purchaser, transferee, lessee or assigns shall be bound by the terms and provisions of this Code and shall within **thirty (30) days** after such purchase, transfer, lease or assignment, file with the City Clerk its official acceptance of the terms and provisions of this Code. No such sale, transfer, lease or assignment of the gas plant or system by the Company shall be effective without the consent of the City Council, which consent shall not be unreasonably withheld.

Section IV. All gas mains, service pipes, fixtures, facilities and other appliances so laid, constructed and maintained by virtue of this Code, shall be so laid, constructed and maintained in accordance with the best, latest and most acceptable engineering practices and in full accord with any and all applicable engineering codes adopted or approved by the natural gas distribution industry and/or engineering profession and in accordance with any applicable Statutes of the State of Illinois and the Rules and Regulations of the Illinois Commerce Commission or of any other governmental regulatory commission, board or agency, having jurisdiction over the Company. Said facilities shall be so constructed as not to interfere with the drainage of said City or interfere with or injure any sewer or any other improvement which said City has heretofore made or may hereafter make in, upon or along any highway, street, avenue, road, alley, lane, way, utility easement, parkway, or other public ground, or unnecessarily impede or obstruct such highways, streets, avenues, roads, alleys, lanes, ways, utility easements, parkways and other public grounds of said City, and shall conform to the grade as then or hereafter established. The Company agrees to attempt to utilize known right-of-way whenever practical before resorting to right of condemnation to which the Company may be entitled to utilize by law.

Section V. When the streets, avenues, alleys or other public ways are opened, or any other opening is made by the Company within the City, whether the same be made for the purpose of laying, constructing, replacing or repairing the mains, pipes and other appliances and fixtures of said Company, said Company will place and maintain necessary safety devices, barriers, lights or warnings to properly notify all persons of any dangers resulting from such entrances, and will comply with all safety regulations required by federal, state and local laws.

Section VI. In the event it becomes necessary or expedient for the City to change the course or grade of any highway, street, avenue, road, alley, lane, way, utility easement, parkway, or other public ground in which the Company is maintaining gas mains, pipes or other appliances and fixtures, upon the written request of the City, the Company will remove or change the location or depth of such mains, pipes or other appliances and fixtures as necessary to conform to the proposed street alteration, at Company's sole expense. However, the Company shall be reimbursed its relocation costs whenever such reimbursement is authorized by a federal revitalization program.

Section VII. Should the supply of natural gas, reasonably available to the Company fail or diminish during the life of this franchise, thereafter said Company shall have the right to furnish or supplement with an alternative fuel.

Section VIII. When any highway, street, avenue, road, alley, land, way, utility easement, parkway, or other public way is entered by the Company, it shall, within a reasonable time, restore the same to its former condition and shall be restored in such a manner as to meet the approval of the City Engineer or other designated responsible agent of the City. In the event the Company shall fail to restore said streets, avenues, alleys or other public ways to their former state, the City may, after giving the Company **sixty (60) days** written notice, make said restoration itself and charge the costs thereof to the Company.

Section IX. The Company shall at all times indemnify and hold harmless the City from and against any and all loss and liability, and any and all lawful claims for injury to any person or property by failure of said Company or its employees to exercise due care and diligence in and about the installing and maintenance of said system, guarding trenches and excavations while said system is being installed or subsequent extensions, repairs or alterations are being made or generally in the operation and maintenance of said system, provided the Company shall have been notified in writing of any claim against the City on account thereof, and shall have been afforded the opportunity fully to defend the same.

Section X. The City and the Company hereby agree that this Code shall from time to time be subject to rules and regulations adopted by said Company and approved by the Illinois Commerce Commission or any other regulatory body having jurisdiction thereof during the term of this Code, and shall also be subject to all Rules and Regulations adopted and approved by the Illinois Commerce Commission or any other regulatory body and that all such Rules and Regulations shall be and become a part of this Code to the same extent and with the same effect as if said Rules and Regulations were herein set out in full. The Company shall not be obligated or required to make any extension of distribution mains or service lines except in accordance with the provisions relating thereto adopted or approved by the Illinois Commerce Commission.

Section XI. Nothing herein contained shall be construed as preventing the said Company from installing, placing, replacing, taking up, repairing or removing gas pipes, mains, service pipes or other devices for furnishing gas services, from using any easements for gas service which are shown on any plat or plats of any portion of said City heretofore or hereafter platted or recorded or any such easement which may hereafter be created, granted or dedicated for any such utility purposes by any person, firm or corporation whatsoever.

Section XII. If any section or portion of any section of this Code shall hereafter be declared or determined by any court of competent authority to be invalid, the Company at its election (to be given to the City by notice in writing within **thirty (30) days** after such declaration or determination) may ratify or confirm the remaining portions of this Code and upon such ratification or confirmation the remaining portions of this Code shall remain in full force and effect.

Section XIII. The Company shall, within **sixty (60) days** after the passage of this Code, file with the City Clerk of the City of Altamont its unconditional acceptance signed by a Company Officer of the terms and conditions of this Code and after filing of such acceptance, this Code shall constitute a contract between the parties thereto and shall, subject to the rights and powers vested in the Illinois Commerce Commission or such other regulatory body of the State of Illinois as may hereafter succeed to the rights and powers of the Illinois Commerce Commission or as may exercise statutory jurisdiction of gas companies furnishing gas service in the State of Illinois, be the measure of the rights, powers, obligations, privileges and liabilities of said City and of said Company.

Section XIV. Provided an existing natural gas main is in the proximity to City buildings and facilities, United Cities Gas Company shall, upon request of the City Council of Altamont, Illinois, furnish gas, free of charge, for the purpose of heating the Municipal Building and the Maintenance Complex up to a maximum annual consumption of **ten thousand (10,000) therms**. It being understood that in such event, that the City of Altamont is to purchase, install and maintain all heating equipment.

Section XV. Reservation of Rights. The City unconditionally reserves the following rights:

- A. City reserves any and all rights to engage in natural gas systems activities to compete with Company. City also reserves any and all rights to engage, attract, and contract with any other person or entity for the distribution of natural gas within the present or future corporation limits of the City, even though such persons or entity may directly or indirectly compete with Company.
- B. City reserves any and all inherent and statutory powers vested in City presently or in the future. City also reserves its inherent and statutory right to regulate activities within its jurisdiction, including but not limited to, the activities of Company.

Section XVI. All notices provided for by this Franchise Code shall be made in writing and delivered to the appropriate parties by mailing said notice by United States certified mail, return receipt requested. Company shall give City **thirty (30) days** prior written notice of any

proposed rate changes, actual rate changes, and actual or proposed changes in any Illinois Commerce Commission rule or regulations so as to allow City an opportunity to communicate with, intervene in, and otherwise participate in any Illinois Commerce Commission proceeding.

Section XVII. The Company shall collect any and all Retailers' Occupational Tax and/or fees as authorized by the State of Illinois and adopted by the City of Altamont. Said Tax and/or fees to be paid to the State of Illinois and the portion thereof to be paid back to said City as prescribed by the State of Illinois.

Section XVIII. Reserved.

Section XIX. All the privileges given and obligations created by this Code shall be binding upon the successor and assigns of the Company.

Section XX. This Code shall take effect and be in force immediately upon its passage and approval by the City Council and **ten (10) days** after publication thereof according to law.

(Ord. No. 274; 08-28-95)

CHAPTER 18

HEALTH REGULATIONS

ARTICLE I - BOARD OF HEALTH

18-1-1 **BOARD OF HEALTH CREATED - MEMBERSHIP - OFFICERS.**

There is hereby created a Board of Health, which shall be composed of the Commissioner of Public Health and Safety, who shall be Chairman of said Board, the Commissioner of Health and the Mayor.

18-1-2 **MEETINGS - QUORUM.**

The Board of Health shall hold meetings whenever required by the Commissioner of Public Health and Safety. The Chairman of such Board shall notify each member of the Board of such meetings. A majority of the Board shall constitute a quorum for the transaction of business.

18-1-3 **RULES AND REGULATIONS.**

The Board of Health may make such rules and regulations, not in conflict with the laws of the state or the City Code, as they may deem necessary for keeping the City in the best possible sanitary conditions; and for the execution of the powers and duties conferred upon the Board by this Code or by laws of the State.

18-1-4 **POWERS OF BOARD.**

The Board shall exercise a general supervision over the health of the City, with full power to take steps and use all measures necessary to promote the cleanliness thereof; to abate nuisances of every description on public and private property.

18-1-5 **JURISDICTION.**

The jurisdiction of the Board of Health shall extend over the territory within the City limits, and all ordinances of the City and rules and regulations of the Board of Health relating to the public health and abatement of nuisances, shall apply to and be in force over the territory within the City limits and the extraterritorial area specified in the Illinois Municipal Code.

18-1-6 **ORDERS - VIOLATION - PENALTY.**

All orders and sanitary regulations of the Board of Health shall be obeyed by all persons in the City, and whoever shall refuse or neglect to obey any such order or regulation shall be subject to a fine as provided in **Section 1-1-20** or **1-1-21** of the City Code.

18-1-7 **CLAIMS.** Bills for expenses incurred by the Board of Health shall be presented to the Commissioner of Public Health and Safety, who shall present them to the Council for payment. The City Treasurer shall cause to be kept a record of all the disbursements made for the Health Department.

18-1-8 **REPORTS AND RECOMMENDATIONS.** The Board shall from time to time recommend to the Council such measures as it may deem necessary to promote and secure the health of the City.

ARTICLE II - TRASH COLLECTION

18-2-1 UNDER SUPERVISION OF COMMISSIONER OF PUBLIC HEALTH AND SAFETY. All matters relating to or affecting the collection, removal or disposal of garbage and rubbish shall be subject to the supervision and direction of the Commissioner of Public Property.

18-2-2 DEFINITIONS. For the purpose of classification and identification of the various types of refuse included in the subsequent sections of this Chapter, the word "garbage" as used herein, shall be construed to include rejected or waste household food, offal and swill composed of vegetable and animal substances. It shall be taken to mean and include all table and kitchen refuse of every kind and description; also decaying vegetables and meats, or anything whatsoever that will, or may decompose and become offensive or dangerous to health.

The term "rubbish" as used herein, shall be construed to mean only tin cans, bottles, glass, crockery, tile and worn out and discarded metals.

18-2-3 REFUSE IN STREETS AND ALLEYS. It shall be unlawful for any person, firm or corporation to deposit, drop or place, where it may be carried in any manner whatsoever, in or upon any sidewalk, street, alley or public place, or in any waterway, gutter, manhole, catch basin or sewer within the City, garbage, rubbish, refuse, trade or commercial waste or any thing or substance whatsoever, which is offensive and detrimental to sanitation and the public health and safety; provided, that this Section shall not apply to the deposit of material under a permit authorized by ordinance of the City; nor to goods, wares or merchandise deposited upon any street, sidewalk, alley or public place temporarily in the necessary course of trade, and removed therefrom within **five (5) hours** after being so deposited; nor to the proper use of sewers and drain for the reception of all matter authorized to be deposited therein, or conducted by the sewerage systems of the City in accordance with the ordinances of the City relating thereto; and provided, further, that clean coal ashes, cinders or sand, free from glass, nails or other detrimental substances may be spread on icy sidewalks or deposited on unpaved streets or alleys, subject to such rules and regulations as the Commissioner of Streets and Public Improvements may from time to time prescribe in relation thereto.

18-2-4 GARBAGE, HOUSE TREATMENT AND DISPOSITION. It shall be the duty of every occupant, tenant or person in possession to cause to be deposited in said garbage containers all garbage produced in or brought into said house, building, flat, apartment or dwelling place as soon as the same is produced or brought therein; provided, this Section shall not apply to apartment or buildings which are now or hereafter may be provided with their own garbage disposal systems.

18-2-5 **LOCATION OF RECEPTACLES.** The owner, agent, or occupant of every dwelling, flat, residence or apartment, excepting therefrom all premises serviced by private haulers, shall place or cause to be placed containers as hereinbefore specified for the purpose of having their contents removed at the rear end line of the lot where said lot is served by a public alley in condition for vehicular traffic. Provided however, that where no such alley is available, such owner, agent or occupant shall place such container at a point adjacent at the rear of the building or improvement upon said premises for the purpose of having its or their contents removed, or at an accessible location in plain view of the street where it is practical so to do.

18-2-6 **GARBAGE TRUCKS TO BE COVERED.** All trucks engaged in the business of or used for the collection of garbage, and rubbish as defined in this Article, shall have water-tight bodies and shall be provided with an adequate type of cover, fully enclosing all of the materials while in the process of being transported to the place of their disposal.

18-2-7 **LEVY OF TAX.** For the purpose of collecting the garbage in the City and the disposing of the same, the Council shall have the power to levy a direct annual tax each year not to exceed **twenty percent (20%)** of the full, fair cash value, as equalized or assessed by the Department of Revenue of the State of Illinois, on all taxable property in the said City.

18-2-8**SERVICE CHARGE FOR COLLECTION OF GARBAGE.** There is hereby established a minimum service charge for collecting garbage in the City, which minimum service charge shall be **Thirteen Dollars Seventy-Five Cents (\$13.75)** per month for each household and apartment of the City being served by the City's garbage collection system.

The monthly service charge for collecting garbage in the City shall be paid by each household and apartment being served by the City's garbage collection system. The service charge for collecting garbage in the City shall be due and payable on the **first (1st) day** of each and every month, provided, however, the patron shall have until the **seventeenth (17th) day** of each month to pay said service charge. **(See 65 ILCS Sec. 5/11-9-4) (Ord. No. 380-04; 02-23-04)**

18-2-9**COLLECTION.** The City Clerk is hereby authorized and directed to collect the said monthly service charge for garbage collection in the City, and the City Clerk may add such service charge to the monthly City utility bill of the City utility patrons being served by said City garbage collection system.

18-2-10 **FAILURE TO PAY - PENALTY.** If the service charge for collection of garbage is not paid by any patron being served by the City's garbage collection system by the **seventeenth (17th) day** of the month as provided in **Section 18-2-8**, such charge shall remain as being payable to the City and if not satisfied by payment may be recorded as a lien against the real estate of the occupant household/apartment. **(Ord. No. 380-04; 02-23-04) (See 65 ILCS Sec. 5/11-19-1)**

ARTICLE III – PAYMENT REGULATIONS

18-3-1 PAYMENT FOR GARBAGE COLLECTION SERVICES.

(A) The City Clerk shall prepare and mail (by regular U.S. mail) all garbage collection service bills to the customer’s address not later than the **sixth (6th) day** of each month.

(B) All garbage collection service bills shall be due and payable by the customer not later than the **seventeenth (17th) day** of each month.

(C) If a garbage collection service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the garbage collection service bill is considered past due and a **ten percent (10%)** late fee shall be assessed to such customer.

(D) If a garbage collection service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the City Clerk shall mail (by regular U.S. Mail) a Final Delinquency Notice Prior to Disconnection. If a garbage collection service bill is not paid by the customer by **10:00 A.M.** on the specified disconnection date as listed in the Final Delinquency Notice Prior to Disconnection, then:

(E) The City Clerk shall immediately issue a Disconnect Service Order to the City Garbage Collection Service Provider, and the Garbage Collection Service Provider shall immediately cause the discontinue such customer’s garbage collection service. **(Ord. No. 394-04; 11-08-04)**

(F) The City has the power to sue the customer in a civil action to recover the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney’s fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**

(G) The term “customer” shall mean any person, corporation or entity that applies for water, sewer, electric, garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

18-3-2 DISCONTINUANCE OF GARBAGE COLLECTION SERVICE.

(A) The City may discontinue garbage collection service when any customer fails to do any of the following:

(1) make a deposit or increase a deposit pursuant to **Section 38-2-6** herein;

(2) pay a past due bill owed to the City for garbage collection service furnished at the same location or at another location. For purposes of this paragraph, the City may discontinue garbage collection service if the current customer is liable for a past due bill for garbage collection services pursuant to Section 15 of the Rights of Married Persons Act **(750 ILCS**

6-5/15); unless the customer, at the option of the City, pays any past due bill and/or provides a deposit pursuant to **Section 38-2-6** and/or enters into a deferred payment agreement pursuant to **Section 18-2-6**.

- (3) make a payment in accordance with the terms of a deferred payment agreement;
- (4) comply with the rules and regulations of the City Garbage Collection Service Provider.

18-3-3 **RECONNECTION FEE.** When garbage collection service to a customer has been discontinued for nonpayment of charges, a service charge of **Twenty-Five Dollars (\$25.00)** shall be made.

18-3-4 **NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS.** No person owing charges for garbage collection services and removing to other premises where there are City garbage collection services shall be served until such charges in arrears are paid in full.

18-3-5 **PAYMENT OF PRIOR BALANCES.** The City shall not be required to provide any service to any customer until all previous balances for garbage collection service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's collection office.

18-3-6 **DEFERRED PAYMENT AGREEMENT.** Deferred Payment Agreements shall be made in the manner prescribed in **Section 38-2-11**.

CHAPTER 20

LIBRARY

ARTICLE I - LIBRARY BOARD

20-1-1 **ESTABLISHED.** There is hereby established a Public Library for the use and benefit of the inhabitants of the City. (See 75 ILCS Sec. 5/1-2)

20-1-2 **APPOINTMENT - COMPENSATION.** The Mayor shall, with the approval of the City Council, proceed to appoint a board of **nine (9) trustees** for the Public Library, chosen from the citizens at large with reference to their fitness for such office. **Not more than one (1) member of the City Council shall be (at any one time) a member of the Library Board.** (See 75 ILCS Sec. 5/4-1)

Trustees of the Library Board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds. (See 75 ILCS Sec. 5/4-5)

20-1-3 **TERM.** The Mayor shall, before the **July 1st of each year**, appoint **three (3) trustees** to take the place of the retiring trustees who shall hold office for **three (3) years** and until their successors are appointed. By and with the advice and consent of the City Council, the Mayor may remove any trustee as provided in **Chapter 1, Article III of this Code.** (See 75 ILCS Sec. 5/4-1.1)

20-1-4 **VACANCIES.** Vacancies shall be declared in the office of a trustee by the board when the trustee declines or is unable to serve, or is absent without cause from all regular board meetings for a period of **one (1) year**, or is convicted of a misdemeanor for failing, neglecting, or refusing to discharge any duty imposed upon a trustee or becomes a nonresident of the City, or who fails to pay the library taxes levied by the corporate authorities. (See 75 ILCS Sec. 5/4-4)

20-1-5 **OATH OF OFFICE; ORGANIZATION; MEETINGS.**

(A) Within **sixty (60) days** after their appointment, the new trustees shall take their oath of office and meet to organize the board. The oath shall consist of the following:

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

(B) The first action taken at the organizational meeting of the board shall be the election of a president and a secretary and such other officers as the board may deem necessary, and the board shall further provide in the bylaws of the board as to the length of the terms in office. The trustees shall determine the time and place of all official meetings of the board at which any legal action may be taken and shall post notice thereof at the public library maintained by the board and at not less than one public place within the corporate confines of the area of library service one day in advance thereof. (See **75 ILCS Sec. 5/4-6**)

20-1-6 CUSTODIAN OF FUNDS. The City Treasurer shall be the custodian of all funds of the Library Board of Trustees. The cost of any bond necessary to satisfy the requirements of **Chapter 75, Section 5/4-9 of the Illinois Compiled Statutes** shall be borne by the library.

20-1-7 POWERS AND DUTIES. The Board of Library Trustees shall carry out the spirit and intent of this Chapter in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to, but without limiting other powers conferred by this Chapter shall have the following powers:

(A) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this Chapter.

(B) To have the exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the library fund;

(C) To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;

(D) To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the board's option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed **twenty (20) years** with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than **seventy-five percent (75%)** of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed **twenty (20) years** from the date of such refunding loan agreement, with interest on the unpaid principal balance

at any lawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of **twenty (20) years**;

(E) To remodel or reconstruct a building erected or purchased by the board, when such building is not adapted to its purposes or needs;

(F) To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful, but for which plans for ultimate use have been or will be adopted, however, the corporate authorities shall have the first right to purchase or lease;

(G) To appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the library board, (but these powers are subject to **Division 1 of Article 10 of the Illinois Municipal Code** in municipalities in which that Division is in force). The board may also retain counsel and professional consultants as needed; (**See 65 ILCS Sec. 5/10-1-1**)

(H) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This contractual power includes, but is not limited to participating in interstate library compacts and library systems, and contracting to supply library services and for the expenditure of any Federal or State funds made available to the municipality or to the State of Illinois for library purposes;

(I) To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

(J) To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of "**The Library Board of Trustees of the City**" and by that name to sue and be sued.

(K) To exclude from the use of the library any person who willfully violates the rules prescribed by the board;

(L) To extend the privileges and use of the library; including the borrowing of materials on an individual basis by persons residing outside of the City. If the board exercises this power, the privilege of library use shall be upon such terms and conditions as the board shall, from time to time, by its regulations, prescribe and for such privileges and use, the board shall charge a nonresident fee at least equal to the cost paid by residents of the City, with the cost to be determined according to the formula established by the **Illinois State Library**. The nonresident fee shall not apply to privilege and use provided under the terms of the library's membership in a library system operating under the provisions of the **Illinois Library System Act** or under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service or to a nonresident who is an individual or as a partner, principal stockholder, or other joint owner owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the municipality upon the presentation of the most recent tax bill upon that taxable property,

provided that the privilege and use of the library is extended to only one such nonresident for each parcel of such taxable property.

(M) To exercise the power of eminent domain subject to the prior approval of the corporate authorities under the provisions of **Illinois Compiled Statutes, Chapter 75, Sec. 5/5-1 and 5/5-2.**

(N) To join the public library as a member in the **Illinois Library Association and the American Library Association**, non-profit, non-political, **(501-C-3)** associations, as designated by the federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through, and in the name of such instrumentality by providing and disseminating information and research services, employing personnel and doing any and all other acts for the purpose of improving library development;

(O) To accumulate and set apart as reserve funds, portions of the unexpended balances of the proceeds received annually from taxes or other sources for the purpose of providing self-insurance against liabilities relating to the public library;

(P) To invest funds pursuant to the **Illinois Compiled Statutes, Chapter 30, Section 235/1, et seq. (See 75 ILCS Sec. 5/4-7)**

20-1-8 ADDITIONAL POWERS AND DUTIES. In addition to all other powers and authority now possessed by it, the Board of Library Trustees shall have the following powers:

(A) To lease from any public building commission created pursuant to the provisions of the **Public Building Commission Act**, as now or hereafter amended, any real or personal property for library purposes for a period of time not exceeding **twenty (20) years; (See 50 ILCS Sec. 20/1 et seq.)**

(B) To pay for the use of this leased property in accordance with the terms of the lease and with the provisions of the **Public Building Commission Act**, as now or hereafter amended;

(C) Such lease may be entered into without making a previous appropriation for the expense thereby incurred. However, if the board undertakes to pay all or any part of the costs of operating and maintaining the property of a public building commission as authorized in subparagraph (D) of this section, such expenses of operation and maintenance shall be included in the annual budget of such board annually during the term of such undertaking;

(D) In addition, the board may undertake, either in the lease with a public building commission or by separate agreement or contract with a public building commission, to pay all or any part of the costs of maintaining and operating the property of a public building commission for any period of time not exceeding **forty (40) years. (See 75 ILCS Sec. 5/4-7.1)**

20-1-9 **SELECTION AND USE OF LIBRARY MATERIALS.** The Board of Library Trustees shall establish, and review at least biennially, a written policy for the selection of library materials and the use of library materials and facilities. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with the written policy required to be established pursuant to this section. (See 75 ILCS Sec. 5/4-7.2)

20-1-10 **FREE TO PUBLIC.** The library established shall be free for the use of the inhabitants of the City, always subject to such rules and regulations as the Library Board of Trustees may adopt, in order to render the use of the library and reading room to the greatest benefit to the greatest number. (See 75 ILCS Sec. 5/4-7)

20-1-11 **ANNUAL REPORT.** Within **thirty (30) days** after the expiration of each fiscal year of the municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

- (A) An itemized statement of the various sums of money received from the Library Fund and from other sources;
- (B) An itemized statement of the objects and purposes for which those sums of money have been expended;
- (C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;
- (D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;
- (E) A statement of the character of any extensions of library service which have been undertaken;
- (F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;
- (G) A statement as to the amount of accumulations and the reasons therefor;
- (H) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance, or for amounts due under a certificate of the board;
- (I) Any other statistics, information and suggestions that may be of interest.

A report shall also be filed at the same time with the **Illinois State Library.** (See 75 ILCS Sec. 5/4-10)

20-1-12 **DONATIONS.** Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees. (See 75 ILCS Sec. 5/1-6)

20-1-13 **DISTURBANCE PROHIBITED - PENALTY.** Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

20-1-14 **INJURY TO OR FAILURE TO RETURN BOOKS - PENALTY.** No person shall maliciously cut, injure, deface, tear, or destroy any book, newspaper, periodical, or picture belonging to the Public Library. No person shall fail to return any book or books taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

20-1-15 **REFERENCE.** The City Council does hereby include by reference, all provisions of **Chapter 75; Paragraph 5/4, et seq. of the Illinois Compiled Statutes** applicable to the City Library that are not provided heretofore.

CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(See 235 ILCS Sec. 5/1-3.05)**

"BEER" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(See 235 ILCS Sec. 5/1-3.04)**

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

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

"CLUB" means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license

under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(See 235 ILCS Sec. 5/1-3.24)**

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

"DISTILLED SPIRITS". See "Spirits".

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

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

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

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

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

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

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

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

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

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

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

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

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. (See 235 ILCS Sec. 5/1-3.23)

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. (See 235 ILCS Sec. 5/1-3.17)

“SALE” means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. (See 235 ILCS Sec. 1-3.21)

“SELL AT RETAIL” and “SALE OF RETAIL” refer to any mean sales for use or consumption and not for resale in any form. (See 235 ILCS Sec. 5/1-3.18)

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

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

“SPIRITS” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (See 235 ILCS Sec. 5/1-3.02)

“TO SELL” includes to keep or expose for sale and to keep with intent to sell. (See 235 ILCS Sec. 5/1-3.22)

“WINE” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. (See 235 ILCS Sec. 5/1-3.03)

ARTICLE II - LICENSES

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

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(See 235 ILCS Sec. 5/4-1)**

21-2-2 **APPLICATIONS.** The Mayor is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the **Act of the General Assembly of Illinois**, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk, with the seal of his office affixed thereto.

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

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

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

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid **Act of the General Assembly** or in this Chapter or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **one (1) member** of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Mayor, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(See 235 ILCS Sec. 5/7-1)**

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. **(See 235 ILCS Sec. 5/4-5)**

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Mayor to the following:

(A) A person who **is not** a resident of this municipality, except in the case of a corporation;

(B) A person who **is not twenty-one (21) years** of age;

(C) A person who has been convicted of a felony under any federal or state law if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;

(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;

- (F) A person whose license has previously been revoked for cause;
- (G) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;
- (H) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;
- (I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;
- (J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the "**Business Corporation Act of 1983**" to transact business in Illinois;
- (K) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- (L) Any person, association, or corporation not eligible for a state retail liquor license;
- (M) A person who is not of good character and reputation in the community in which he resides;
- (N) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation;
- (O) A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;
- (P) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Mayor.
- (Q) A person who is not a beneficial owner of the business to be operated by the licensee;
- (R) A person who has been convicted of a gambling offense as prescribed by any of **subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961**, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
- (S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period; except those persons who are eligible to receive a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

(T) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

(U) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period;

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. **(See 235 ILCS Sec. 5/6-2)**

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **May 1st to April 30th** of the following year. The fee to be paid shall be reduced in proportions to the full calendar months which have expired in the year prior to the issuance of the license.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

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

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

21-2-6 CLASSIFICATION - FEE - LIMITATION. Every person engaged in the retail sale of alcoholic liquor in the City shall pay an annual license fee. Such licenses shall be divided into the following classes:

(A) **Class "A" License.** There is hereby created a Class "A" liquor license, which shall authorize retail sale of alcoholic liquor for consumption on or off the premises specified as well as other retail sales of such liquor. The annual fee shall be **Six Hundred Dollars (\$600.00)**. There shall be a limit of **four (4)** Class "A" licenses. **(Ord. No. 98-312; 08-24-98)**

(B) **Class "B" Licenses.** There is hereby created a Class "B" liquor license, which shall authorize the retail sale of alcoholic liquor on premises specified, but not for consumption on the premises where sold. The annual license fee shall be **Four Hundred Dollars (\$400.00)**. There shall be a limit of **one (1)** Class "B" license.

(C) **Class "C" Club License.** There shall be created a Class "C" Club license, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises where sold. Such sales shall be restricted to the members of a club as defined in **Section 21-1-1** and bonafide guests of such club. The annual fee for a Class "C" license shall be **Five Hundred Dollars (\$500.00)**. There shall be a limit of **one (1)** Class "C" license.

(D) **Non-Profit Civic, Religious or Charitable Organizations or Corporations.** Any non-profit civic, religious or charitable organization or corporation may apply for and be issued a special license which shall authorize the retail sale of beer for consumption on the premises where sold for a term specified in said license, not to exceed **two (2) weeks**. When said temporary license is issued all beer must be sold in an enclosure or fenced in area open only to adults, with all children and individuals under the age of **twenty-one (21)** being prohibited from said enclosure. All beer shall be dispensed in paper cups and shall be consumed within the enclosure, providing a "beer garden" type atmosphere. Any party not abiding by the above condition will be subject to immediate termination of said license. The fee for such license shall be **Ten Dollars (\$10.00)**. Such a licensee may be exempt from the Sunday closing requirements of this Chapter as determined by the Mayor and City Council on a case by case basis, but shall otherwise be required to comply with the remaining provisions of this Code, as amended, and all other applicable laws or ordinances. **(Ord. No. 98-305; 03-23-98)**

21-2-7 NATURE OF LICENSE. A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(See 235 ILCS Sec. 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

21-2-11 DISPLAY OF LICENSE. Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(See 235 ILCS Sec. 5/6-24)**

21-2-12 RECORD OF LICENSES. The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours.** **(See 235 ILCS Sec. 5/4-1)**

ARTICLE III - REGULATIONS

21-3-1 HOURS. The hours for retail liquor licenses shall be as follows effective **December 1, 2003**:

(A) **Hours of Operation for All Licenses.** It shall be unlawful for any licenses to give or sell or offer for sale or gift or in any way provide any alcoholic liquors, spirits, beer, or wine in the City during the following hours:

Hours of Operation:

Monday	From 6:00 A.M.	to	12:00 Midnight
Tuesday	From 6:00 A.M.	to	12:00 Midnight
Wednesday	From 6:00 A.M.	to	12:00 Midnight
Thursday	From 6:00 A.M.	to	12:00 Midnight
Friday	From 6:00 A.M.	to	Saturday 1:00 A.M.
Saturday	From 6:00 A.M.	to	Sunday 1:00 A.M.
Sunday	From 12:00 Noon	to	12:00 Midnight

* Except that Class "B" Package Liquor shall not open until 10:00 A.M. on Sundays. No alcoholic liquor shall be sold and all licensed premises must remain closed at all other times other than those specified above.

The times referred to above shall refer to Daylight Savings Time or Central Standard Time, whichever is in effect in the City.

Such alcoholic liquor is sold in connection with the operation of a restaurant as defined in **Section 21-1-1**, which serves complete luncheon and dinner or supper meals, and then only as a part of a meal served to the customer, or if catering is provided to a group of **ten (10)** or more.

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter. **(See 235 ILCS Sec. 5/4-1) (Ord. No. 376-03; 11-24-03)**

21-3-2 HAPPY HOUR RESTRICTIONS.

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

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

- (1) Serve **two (2)** or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

- (3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection C(7) of this section.
 - (4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
 - (5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 - (6) Advertise or promote in any way, whether on or off the licenses premises, any of the practices prohibited under paragraphs (1) through (5).
- (C) Nothing in subsection B shall be construed to prohibit a licensee from:
- (1) Offering free food or entertainment at any time;
 - (2) Including drinks or alcoholic liquor as part of a meal package;
 - (3) Including drinks of alcoholic liquor as part of a hotel package;
 - (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
 - (5) Providing room service to persons renting rooms at a hotel;
 - (6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to **two (2)** or more persons at one time; or
 - (7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- (D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by Article IV of this Code. **(See 235 ILCS Sec. 5/6-28)**

21-3-3 PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred feet (100')** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale

at retail of alcoholic liquor on the premises within **one hundred feet (100')** of any church or school where such church or school has been established within such **one hundred feet (100')** since the issuance of the original license. In the case of a church, the distance of **one hundred feet (100')** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (See 235 ILCS Sec. 5/6-11)

21-3-4 **CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the Code of this municipality. (See 235 ILCS Sec- 5/7-14)

21-3-5 **STORES SELLING SCHOOL SUPPLIES, LUNCHESES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. (See 235 ILCS Sec. 5/6-12)

21-3-6 **TRANSPORTING, ETC., IN MOTOR VEHICLES.** No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 **OPEN LIQUOR - CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a **"cup-to-go"**.

21-3-8 **LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein;
- or
- (B) If such vehicle contains at least one occupant over **twenty-one (21) years of age.**

21-3-9 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code. **(See Chapter 40 of the Revised Code)**

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

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

(A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.

(B) Drink any alcoholic liquors in any public park, except with the permission of the Mayor.

(C) Drink any alcoholic liquors on any private property without permission of an owner thereof.

(D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

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

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

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

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

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

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

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

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

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

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

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

21-3-17 GAMBLING. It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away. It shall be unlawful for any licensee, or his agent and/or employee, to give or award a cash prize or equivalent to any person playing any devices or machines defined as a coin-operated amusement device pursuant to Section 7-4-1 of the Revised Code. (See 720 ILCS Sec. 5/28-1)

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

21-3-19 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. (See 235 ILCS Sec- 5/6-16)

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

21-3-21 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of **twenty-one (21) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" or a Class "B" license unless accompanied by a parent or legal guardian. No holder of a Class "A" or Class "B" license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **twenty-one (21) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this section, any holder of a Class "A" or a Class "B" license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **twenty-one (21) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **twenty-one (21) years** is that person's parent or legal guardian. (See 235 ILCS Sec- 5/4-1)

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

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

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

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

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

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

UNDERAGE LIQUOR WARNING

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

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

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

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

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

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(See 235 ILCS Sec. 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(See 235 ILCS Sec. 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(See 235 ILCS Sec. 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(See 235 ILCS Sec. 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(See 235 ILCS Sec. 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

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

21-3-31 **FALSE IDENTIFICATION.** Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own

for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

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

21-3-33 RESIDENTIAL DRINKING. Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **eighteen (18) years** of age and the following factors also apply:

(A) the person occupying the residence knows that any such person under the age of **eighteen (18)** is in possession of or is consuming any alcoholic beverage; and

(B) the possession or consumption of the alcohol by the person under **eighteen (18)** is not otherwise permitted by this Code and

(C) the person occupying the residence knows that the person under the age of **eighteen (18)** leaves the residence in an intoxicated condition.

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

21-3-34 RENTING HOTEL ROOMS FOR DRINKING. Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(See 235 ILCS Sec. 5/10-2)**

21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(See 235 ILCS Sec. 5/10-3)**

21-4-3 REVOCAION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. **(See 235 ILCS Sec. 5/10-4)**

21-4-4 REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(See 235 ILCS Sec. 5/10-5)**

21-4-5 MISBRANDING. Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(See 235 ILCS Sec. 5/10-6)**

21-4-6 ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(See 235 ILCS Sec. 5/10-7)**

21-4-7 USE OF PREMISES FOR ONE YEAR AFTER REVOCATION. When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(See 235 ILCS Sec. 5/7-13)**

21-4-8 REVOCATION OF LICENSES. The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

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

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

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

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

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(See 235 ILCS Sec. 5/4-4)**

21-4-9 COMPLAINT BY RESIDENTS. Any **five (5) residents** of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any

amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (See 235 ILCS Sec. 5/7-7)

21-4-10 REVOCAION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act**, any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A) **Fine as Opposed to Suspension or Revocation.** In addition to suspension and/or revocation, the Liquor Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for each violation; each day on which a violation continues shall constitute a separate violation. No more than Ten Thousand Dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury, as the case may be. (See P.A. 89-0063)

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

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

upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(See 235 ILCS Sec. 5/7-5)**

21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER.

Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action by appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(See 235 ILCS Sec. 5/7-9)**

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case, in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period**, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period**. **(See 235 ILCS Sec. 5/7-9)**

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the municipality from State Commission. **(See 235 ILCS Sec. 5/7-9)**

- D. Have you ever been convicted of a felony or otherwise disqualified to receive the license applied for by reason of any matter or thing contained in the Illinois Liquor Control Act or the Municipal Liquor Code? YES NO
If "yes", name court of conviction _____
- E. Have you ever made application for a liquor license for any other premises? _____
DATE: _____
State disposition of application: _____
Give address: _____
- F. Are you or is any other person, directly or indirectly interested in your place of business, a public official as defined in Sec. 2 (14) Art. VI of the Illinois Liquor Control Act? _____
If so, office held? _____
- G. Has any license previously issued to you by any State or local authorities been SUSPENDED? _____
DATE: _____
If so, state reasons therefor: _____
WHERE: _____
(CITY COUNTY STATE)
- H. Has any license previously issued to you by any State or local authorities been REVOKED? _____
If so, state reasons therefor: _____
WHERE: _____
(CITY COUNTY STATE)
- I. Will you comply with the Local Liquor Code and the Regulations in connection therewith? _____

- D. Have you ever been convicted of a felony or otherwise disqualified to receive the license applied for by reason of any matter or thing contained in the Illinois Liquor Control Act or the Municipal Liquor Code? YES NO
If "yes", name court of conviction _____
- E. Have your ever made application for a liquor license for any other premises? _____
DATE: _____
State disposition of application: _____
Give address: _____
- F. Are you or is any other person, directly or indirectly interested in your place of business, a public official as defined in Sec. 2 (14) Art. VI of the Illinois Liquor Control Act? _____
If so, office held? _____
- G. Has any license previously issued to you by any State or local authorities been SUSPENDED? _____
DATE: _____
If so, state reasons therefor: _____
WHERE: _____
(CITY COUNTY STATE)
- H. Has any license previously issued to you by any State or local authorities been REVOKED? _____
If so, state reasons therefor: _____
WHERE: _____
(CITY COUNTY STATE)
- I. Will you comply with the Local Liquor Code and the Regulations in connection therewith? _____

17. Do you possess a current Federal Wagering or Gaming Device Stamp? YES NO
Stamp No. _____ Amount _____
18. Will this business be conducted by a manager or agent? YES NO If answer is "YES", Manager or Agent must give the following information:
- A. Name _____ Date of Birth _____
- B. Residence Address _____
(STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY COUNTY STATE)
- C. Place of Birth _____ Are you a citizen of the United States? YES NO
- D. If a naturalized citizen, time and place of naturalization? _____
- E. Have you ever been convicted of any crime as stated in Question 15-D or 16-D above?
 YES NO State Offense: _____
- F. Are you or have you ever been interested in any liquor business at another address? YES NO
DATE: _____ If so, state reasons therefor _____
WHERE: _____ (CITY, COUNTY, AND STATE)
- G. Has any license previously issued to you by any State or local authorities been SUSPENDED?
 YES NO DATE: _____ If so, state reasons therefor _____
WHERE: _____ (CITY, COUNTY AND STATE)
- H. Has any license previously issued to you by any State or local authorities been REVOKED?
 YES NO DATE: _____ If so, state reasons therefor _____
WHERE: _____ (CITY, COUNTY AND STATE)

NO LICENSE SHALL BE ISSUED UNLESS ALL THE ABOVE QUESTIONS ARE COMPLETELY ANSWERED

**AFFIDAVIT
(PLEASE READ CAREFULLY BEFORE SIGNING)**

I (We) do solemnly swear (or affirm) that the statements given above are true and correct to the best of my (our) knowledge and belief; that I (We) will comply with all regulations of Federal, State and Local Liquor Control Laws; that a copy of an ordinance governing the sale at retail of alcoholic liquors and beverages in this municipality has been furnished to me (us); that I (we) understand the same, and agree to comply with all the provisions set forth therein.

I (We) swear (or affirm) that I (We) will not violate any of the laws of the State of Illinois or of the United States of America in the conduct of the place of business described herein and that the statements contained in this application are true and correct and are made for the purpose of inducing the City of Altamont, Illinois to issue the license herein applied for.

APPLICANT(S): _____
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, ____.

(SEAL)

CITY CLERK OF ALTAMONT, ILLINOIS

CHAPTER 23

MOBILE HOUSING CODE

ARTICLE I - GENERAL PROVISIONS

23-1-1 **DEFINITIONS.** The terms used in this Code shall have the following meanings:

“AFFIDAVIT” means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

“APPLICANT” means any person making application for a license or permit.

“IMMOBILIZED MOBILE HOME” means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the **Mobile Home Tiedown Act, Chapter 210; Sec. 120/1 et seq. of the Illinois Compiled Statutes.**

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. **(See 210 ILCS Sec. 115/2.10)**

“LICENSE” means a license certificate issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this Code and the rules and regulations issued hereunder.

“LICENSEE” means any person having a license or permit under this Chapter.

“MOBILE HOME OR MANUFACTURED HOME” means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **"mobile home"** shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the **Federal “National Manufactured Housing Construction and Safety Standards Act of 1974”**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a **“mobile home”**, but shall be an **“immobilized mobile home”**. A mobile home should not be confused with a **“camping trailer”** or **“recreational vehicle”**. **(See 210 ILCS Sec. 115/2.1)**

“MOBILE HOME, DEPENDENT” means a mobile home which does not have a toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.3)

“MOBILE HOME, DOUBLE-WIDE” consists of **two (2) mobile units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

“MOBILE HOME, INDEPENDENT” means a mobile home which has self-contained toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.4)

“MOBILE HOME LOT” means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

“MOBILE HOME MODULE” means a factory-fabricated building unit transported to a building site, mounted on a permanent foundation supporting the outside perimeter walls, and is designed for residential use.

“MOBILE HOME PAD” means that part of an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

“MOBILE HOME PARK” means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park. (See 210 ILCS Sec. 115/2.5)

“MOBILE HOME SALES AREA” means a parcel of land used for the display, sale, and repair of new or used mobile homes.

“MOBILE HOME SPACE” means a portion of a mobile home park designed for the use or occupancy of **one (1) mobile home**.

“MOBILE HOUSING UNIT” includes all forms of housing units listed in this section and as regulated in this Code.

“OWNER” or “OPERATOR” means the licensee.

“PERMANENT HABITATION” means a period of **two (2) or more months**. (See 210 ILCS Sec. 115/2.2)

“PERMIT” means a certificate issued by the City, permitting the construction, alteration, or reduction in number of spaces of a mobile home park under the provisions in this Code.

“PERSON” means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

“REVOCATION” means to declare invalid a permit or license issued to the applicant or licensee by this City for an indefinite period of time.

“SITE” means the lot on which the mobile home is located for permanent habitation. (See 210 ILCS Sec. 115/2.7)

“SPACE” shall be synonymous with **“Mobile Home Space”**.

“SUSPENSION” means to declare invalid a permit or license issued to the applicant or licensee by this City for a temporary period of time with an expectation of resumption.

23-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE. The **Mobile Home Park Act** and the **Mobile Home Tiedown Act** of the **Illinois Compiled Statutes, Chapter 210, as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the City. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the City.

23-1-3 ILLINOIS DEPARTMENT OF PUBLIC HEALTH REGULATIONS. The **“Rules and Regulations for Mobile Home Parks”**, as approved by the **Illinois Department of Public Health** are hereby adopted by the City, the applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the City.

23-1-4 NATIONAL SAFETY STANDARDS. No mobile home, immobilized mobile home or manufactured home shall be located in the City unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto.

[ED. NOTE: Existing units are exempt until they are replaced.]

23-1-5 SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all mobile housing units within **sixty (60) days** of the placement of the unit.

23-1-6 FIRE EXTINGUISHERS. All mobile housing units located in the City shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the mobile housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation. (See 425 ILCS Secs. 60/1-60/4)

23-1-7 INSPECTION. Each Mobile Housing unit located in the City shall be subject to reasonable inspection by an official designated by the Commissioner of Public Health and Safety.

23-1-8 OFF-STREET PARKING. Every owner of a mobile housing unit shall provide for a dustless, off-street parking area of **four hundred (400) square feet**.

23-1-9 OWNER OCCUPIED. All mobile housing units shall be used and occupied by the owner or his immediate family as a residence. If the unit is not located in a licensed mobile home park, then the lot should be owned by the owner-occupant of the mobile housing unit.

ARTICLE II

IMMOBILIZED MOBILE HOMES

23-2-1 **IMMOBILIZED MOBILE HOMES.** All immobilized mobile homes located in the City shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing mobile home outside a mobile home park to remove or cause to have removed the wheels or any other transportation device from the mobile home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized mobile home in this Code. All existing mobile homes, when replaced, shall comply with the immobilization provisions of this Code. (See **Definitions 23-1-1**)

23-2-2 **PERMIT - FEE.** All persons seeking to locate or replace a mobile home or an immobilized mobile home outside a mobile home park shall obtain a **Building Permit** from the City Clerk. No utility services shall be connected to the unit until the City has issued the appropriate permits. The fee to locate or relocate a mobile home or immobilized mobile home shall be **Twenty-Five Dollars (\$25.00)**.

23-2-3 **LOT SIZE.** The minimum lot size for the location of an immobilized mobile home unit is hereby established in the Zoning Code. All immobilized mobile homes shall be located in the City, according to the requirements and restrictions of this Code.

23-2-4 **DEPENDENT MOBILE HOMES.** No dependent mobile home, as defined in Section 23-1-1, shall be permitted in the City unless in a licensed travel-trailer park. At no time shall anyone use a dependent mobile home as a permanent residence or dwelling.

23-2-5 **CONCRETE PADS.** All immobilized mobile homes shall be placed on either a reinforced concrete pad at least **fourteen feet wide by sixty feet in length (14' x 60')**, **two (2)** reinforced concrete runners **four feet wide and sixty feet in length (4' x 60')**, or on concrete piers approved by the City Council. The concrete pads shall consist of **four inches (4")** of reinforced concrete or **six inches (6")** of concrete. A concrete footing is optional. All piers and footings for immobilized mobile homes shall comply with this Code. Expandable units shall be provided with approved piers or their equivalent at each corner of the units.

23-2-6 **LIMIT OF UNITS.** There shall be **only one (1)** immobilized mobile home or mobile home per lot in the City.

ARTICLE III - MOBILE HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

23-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE.

Every mobile home park hereafter established in the City shall, at a minimum, conform to the requirements of:

- (A) **“An Act to Provide for, License, and Regulate Mobile Homes and Mobile Home Parks”.** (See 210 ILCS Sec. 115/1 et seq.)
- (B) **“Rules and Regulations for Mobile Home Parks”, Illinois Department of Public Health, Consumer Protection Division,** as now or hereafter amended, and
- (C) **This Code.**
- (D) **Zoning Code.**

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

23-3-2 PLANNING. Any person seeking to establish, operate, alter, or expand a mobile home park shall obtain a permit to construct or a license to operate a mobile home park.

“Construct or operate a mobile home park”, as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from **two (2)** or more independent mobile homes. **All plans shall be submitted to the Plan Commission and the City Council for approval prior to the granting of a permit.**

23-3-3 LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-3-4 PERMITS. The Plan Commission shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **“Rules and Regulations for Mobile Home Parks”,** as promulgated by the **Illinois Department of Public Health,** the City Council may issue the proper permit to construct or alter a mobile home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

23-3-5 INSPECTION OF MOBILE HOME PARK. Upon completion of the proposed construction of a mobile home park or the proposed alteration of a mobile home park, the applicant shall notify the City Clerk in order that an inspection of the complete facilities can be made by the Commissioner of Public Health and Safety or a designated representative.

23-3-6 VIOLATION PROCEEDINGS. Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the City pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within **five (5) days** or within a longer period of time as may be allowed by the City Council. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

23-3-7 PERMIT REQUIRED. Each mobile home that locates on a lot in a mobile home park shall secure an initial Building and/or Zoning Permit from the City. All future locations on the same lot shall be exempt from the fee.

23-3-8 - 23-3-9 RESERVED.

DIVISION II

DESIGN AND CONSTRUCTION REQUIREMENTS

23-3-10 **PLAN DOCUMENT.** In order to obtain a permit to construct or an original license to operate a mobile home park, the applicant shall file with the City Clerk a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. **Two (2) copies** of the plan document shall accompany the application filed with the City Clerk to obtain a permit to construct or alter a mobile home park or an original license to operate a mobile home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

23-3-11 **APPLICATION.**

(A) Every applicant shall file with the City Clerk a written application and plan documents for the proposed construction or alteration of a mobile home park.

(B) The application shall be completed by the applicant and the engineer or architect and shall include:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

(2) The proposed method of lighting the structures and land upon which the mobile home park is to be located.

(3) The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

(4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

(5) Each application shall be accompanied by an application fee of **Two Hundred Dollars (\$200.00)** for a permit to construct, or an application fee of **One Hundred Dollars (\$100.00)** for a permit to alter to increase the size of the park.

23-3-12 LOCATION.

(A) Sites selected for mobile home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The mobile home development shall not be located near swamps, marshes, or other breeding places of insects, rats and mice. When a good, natural drainage is not available, storm drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

(B) The City Council may authorize a site survey to ascertain that the proposed location complied with the above requirements.

23-3-13 ROADWAYS AND PARKING.

(A) All streets and driveways in every park shall be constructed in compliance with the Subdivision Code.

(B) All streets in parks constructed shall have a minimum right-of-way of **fifty feet (50')** and a minimum road width of **thirty-two feet (32')** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

 If a mobile home park has more than **fifty (50) units**, a wider street may be required by the City Council.

(C) Sidewalks and walkways shall be constructed abutting a street in a mobile home park and shall be a minimum of **four feet (4')** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

23-3-14 - 23-3-16 RESERVED.

DIVISION III - GENERALLY

23-3-17 **LOT SIZE.** The minimum lot size for a mobile home pad shall be **eight thousand (8,000) square feet**, with a minimum frontage of **fifty feet (50')**.

23-3-18 **MISCELLANEOUS RESTRICTIONS.**

- (A) No mobile home unit parked in a mobile home park shall be immobilized.
- (B) Not more than **one (1) mobile home unit** shall be parked in **one (1)** space.
- (C) No travel-trailer shall be permitted in any mobile home park longer than **six (6) months**, unless a special area has been approved for that purpose by the City Council.

23-3-19 - 23-3-20 **RESERVED.**

CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I - DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled "**Title and Definitions**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City. **(See 65 ILCS Sec. 5/1-3-2)**

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, Auxiliary Police and Marshals assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(See 625 ILCS Sec. 5/11-203)**

24-2-2 **SCENE OF FIRE.** The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

24-2-3 **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **Schedule "V" - Signs and Signals** shall be an integral part of this Section. **(See 625 ILCS 5/11-301)**

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois State Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapters 27 and 33) (Also See Chapter 40 - Zoning Code)**

24-2-7 **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. **(See 625 ILCS Sec. 5/11-206)**

24-2-8 **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**
(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of **one hundred (100) feet** to **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred (200) feet**.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of **five hundred (500) feet** and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least **three-sixteenths of an inch (3/16th")** wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

(G) Any person charged with a violation of this section shall upon conviction, be fined in accordance with Section 1-1-20 of the City Code. **(See 625 ILCS Sec. 5/11-1507)**

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the City designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

24-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS Sec. 5/11-208)**

24-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS Sec. 5/11-302)**

24-3-4 **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "C")**

24-3-5 **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS Sec. 5/11-304)**

ARTICLE IV - DRIVING RULES

24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.

The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 11**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City except for the following changes, deletions and omissions:

(A) **Omissions:**

- (1) Omit Sections 11-207, 11-208.1, 11-208.2, 11-209.1, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-502, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419, and 11-1422.

(B) **Changes and Additions:**

- (1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
- (2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 DRIVING RULES.

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the City in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) **Drag Racing Unlawful.** No person shall be a participant in drag racing as defined in **Section 5/11-504 of the Illinois Compiled Statutes.**

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** The Department of Local Authorities with reference to traffic-control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths of an inch (3/8")** or more than **three-fourths of an inch (3/4")** in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department of Local Authorities, police officers, contractors and their employees engaged in highway construction, contract or work on the highway approved by the Department of Local Authorities, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified. **(See 625 ILCS Sec. 5/11-313)**

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this section, proof of the determination of the maximum speed by the City and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. **(See 625 ILCS Sec. 5/11-608)**

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council, but shall not exceed **fifteen miles per hour (15 MPH)** in alleys, **twenty miles per hour (20MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **Schedule "D"** shall list the applicable streets that have specific speed limits thereon. **(See 625 ILCS Sec. 5/11-604) (Ord. No. 83)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present. **(Ord. No. 83)**

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the City or State wherein the school zone is located. **(See 625 ILCS Sec. 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this City at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the City has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the City.

(K) **Left Turns.** It shall be unlawful for any person driving a vehicle to make a left turn at the intersection of N. Main St. and N. Second St. **(1970 Code; Sec. 406)**

24-4-3 **DUTY TO REPORT ACCIDENT.** The driver of a vehicle which is in any manner involved in an accident within the City shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the City within **twenty-four (24) hours** shall result in arrests of the person or persons involved. **(See 625 ILCS Sec. 5/11-415)**

24-4-4 **TRANSPORTING LIQUOR IN VEHICLES.** No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this City except in the original container and with the seal unbroken. **(See 625 ILCS Sec. 5/11-502)**

24-4-5 **EXCESSIVE NOISE - STOPPED VEHICLE.** No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-6 **EXCESSIVE NOISE - WHEELS.** No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-7 **EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/11-505)**

24-4-8 **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the City in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-9 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

24-4-10 VEHICLES PROHIBITED. The operation of motorized vehicles on the former Prairie Trunk Line Railroad Right of Way, as more particularly described in attached Exhibit A, is hereby prohibited. The term "motorized vehicle" shall include every motorized device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moving by human power or used exclusively upon stationary rails or tracks.

The restrictions contained in this Section shall not apply to the operation of vehicles being utilized for maintenance purposes on such right of way.

24-4-11 ENGINE BRAKES.

(A) No person shall operate or cause to be operated any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in a loud, unusual or explosive noise from such vehicle, within the City.

(B) It shall be an affirmative defense that the person who operated or caused to be used or operated such mechanical exhaust device in circumstances where it was necessary to avoid injury or an accident within City limits.

(C) Any person violating this Section shall be fined not less than **Five Dollars (\$50.00)** nor more than **One Hundred Dollars (\$100.00)** for each offense. (Ord. No. 375-03; 11-10-03)

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City. (See **625 ILCS Secs. 5/12-605, 5/12-605.1; and 5/12-605.2**)

24-5-2 MUFFLER. No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. (See **625 ILCS Sec. 5/12-602**)

ARTICLE VI - PARKING RULES

24-6-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 **PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED.**
No person shall park a vehicle upon any street for the purpose of:
(A) displaying such vehicle for sale; or
(B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary; or
(C) peddling merchandise.

24-6-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

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

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

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

(1) The soliciting agency must be registered with the Attorney General as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and making an appropriation therefore", approved **July 26, 1963**, as amended. **(625 ILCS 5/11-1006)**

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

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

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

- (5) The soliciting agency will fully indemnify the City from any claims, injuries, expenses, or judgments that may arise from the solicitation activity.
- (6) The soliciting agency shall carry liability insurance in the minimum amount of **One Million Dollars (\$1,000,000.00)** covering soliciting agency and listing the City as additional insured and will file a certified copy of said insurance policy with the City Clerk prior to the solicitation activity.
- (7) Solicitations are only permitted at the intersections of Illinois Highway 40 and Main; and Main and Division.
- (8) Solicitations are permitted on Friday and/or Saturday only and may begin at **6:00 A.M.** and must end **6:00 P.M.**
- (9) A limit of **two (2)** solicitations shall be permitted in any calendar month within the City, for a total not to exceed **twelve (12)** in any calendar year.
- (10) The soliciting agent may only make **one (1)** request per year per charity. In addition, only **one (1)** request per charity will be allowed in any calendar year.
- (11) Solicitation requests shall be turned into the City Clerk's office at least **forty-five (45) days** prior to the requested date, and are subject to Council approval.

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

24-6-5 PARKING FOR THE HANDICAPPED.

(A) **Designated Parking.** Certain parking spaces within the confines of the City shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the City.

(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(See 625 ILCS Sec. 5/11-1301.2)**

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a City Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes.** The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **One Hundred Dollars (\$100.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle.

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H"**.

24-6-6 LOAD LIMITS.

(A) **Streets.**

(1) **Concrete.** The maximum gross weight of any motor vehicle driven on any of the concrete paved streets, including the weight of such vehicle and its maximum load, or in case of a semi-trailer vehicle pulled or towed by a motor vehicle, including the gross weight of such vehicle and its maximum load, shall not exceed **thirty-two thousand (32,000) pounds.**

(2) **Black-Top.** The maximum gross weight of any motor vehicle driven on any of the black-top paved streets, including the weight of such vehicle and its maximum load, or in case of semi-trailer vehicle pulled or towed by a motor vehicle, including the gross weight of such vehicle and its

Motor Vehicle Code 24-4-10

maximum load, shall not exceed

twenty thousand (20,000) pounds. The Commissioner of Streets and Public Improvements of the City shall post signs on said streets.

(B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the City maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.

24-6-7 TOWING CARS AWAY. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours.**

Vehicles towed away shall be stored on any City property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing such vehicle(s).

24-6-8 PARKING VIOLATIONS. Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the City **Ten Dollars (\$10.00)** for each such offense and **Twenty Dollars (\$20.00)** for the second offense within **six (6) months.** Such payment may be made at the City Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days.**

Provided, this section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance. Nor shall this section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) **Removal - Time Limit.** Any vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by the Police Department of the municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the municipality.

(B) **City Parking Lots.** No person shall park a motor vehicle on a City parking lot unattended for more than **five (5)** consecutive days.

(C) **Parking Violation Ticket.** The parking violation ticket shall be as follows: **(See Appendix "A")**

24-6-9 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-6-10 SNOW ROUTES. It shall be unlawful to park a vehicle on the following designated streets at any time within **eighteen (18) hours** after a snowfall of **three (3) inches** or more, unless the street has been cleared of snow.

24-6-11 PARKING TICKETS - STATE STATUTE. The City Council intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.

ARTICLE VII - ABANDONED VEHICLES

24-7-1 **DEFINITIONS.** For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

"ABANDONED VEHICLE" shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for **seven (7) consecutive days** or more and is apparently deserted.

"ANTIQUE VEHICLE" means any motor vehicle or other vehicle **twenty-five (25) years** of age or older.

"COMPONENT PART" means any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State.

"DERELICT VEHICLE" means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner's, lienholder's or other legally entitled person's land contrary to the public policy expressed in this Code.

"HIGHWAY" means any street, alley or public way within this municipality.

"REMOVE" means to remove, deface, cover, or destroy.

"VEHICLE" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting, however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. **(See 625 ILCS Sec. 5/4-201)**

24-7-2 **ABANDONMENT.**

(A) **Highway.** The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein.

(B) **Private Property.** The abandonment of a vehicle or any part thereof on private or public property other than a highway in view of the general public anywhere in this municipality is unlawful, except on property of the owner, or bailee of such abandoned vehicle.

(C) **Owner's Property.** A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the police department, after a waiting

period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under **Ch. 65 Sec. 5/11-40-3.1 of the Illinois Compiled Statutes**. A violation of this section is subject to penalties as set forth in **Section 1-1-20** of the City Code. **(See 625 ILCS Sec. 5/4-201)**

24-7-3 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING. Where an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this municipality who is not the owner, lienholder or other legally entitled person of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in **Section 24-7-5**, until the vehicle is claimed by the owner, lienholder, or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter. **(See 625 ILCS Sec. 5/4-202)**

24-7-4 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned or left unattended on a highway in an urban district for **ten (10) hours** or more, its removal by a towing service may be authorized by the Police Department.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Police Department.

(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner, lienholder or other legally entitled person of the vehicle shall be responsible for all towing costs.

(D) The remaining provisions of **Section 4-203 of Chapter 95 1/2**, of the **Illinois Compiled Statutes** are hereby adopted by reference and the provisions thereof shall be controlling within the corporate limits of this municipality. **(See 625 ILCS Sec. 5/4-203)**

24-7-5 POLICE RESPONSIBILITIES. When a vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. **(See 625 ILCS Sec. 5/4-204)**

24-7-6 **UNKNOWN OWNER.** When the Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches shall be used by the Police Department in sending notification by certified mail to the owner, lienholder or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. **(See 625 ILCS Sec. 5/4-205)**

24-7-7 **IDENTIFYING AND TRACING VEHICLE.** When the registered owner, lienholder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner, lienholder, or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police shall be immediately forwarded to the Police Department having custody of the vehicle for notification purposes as set forth in **Section 24-7-6** of this Chapter. **(See 625 ILCS Sec. 5/4-206)**

24-7-8 **RECLAIMED VEHICLES - EXPENSES.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in **Section 24-7-9**, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other legally entitled person under this section until all towing and storage charges have been paid. **(See 625 ILCS Sec. 5/4-207)**

24-7-9 **DISPOSAL OF UNCLAIMED VEHICLE.** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of **thirty (30) days** after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automatic parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625, of the Illinois Compiled Statutes.** Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the Police Department shall cause a notice of the time and place to be sent by certified mail to the

registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice shall not be required.

24-7-10 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided for in **Section 24-7-9** of this Code without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Code, it shall be kept in custody for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner and lienholder and contacting the registered owner and lienholder by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. (At the expiration of the **ten (10) day** period without the benefit of disposition information being received from the registered owner, lienholder or other legally entitled person, the Chief of Police shall authorize the disposal of the vehicle as junk.)

(C) **Antique Vehicle.** A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it. **(See 625 ILCS Sec. 5/4-209)**

24-7-11 POLICE RECORD FOR DISPOSED VEHICLE. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction shall be maintained by the Police Department for a period of **one (1) year** from the date of the sale or disposal. **(See 625 ILCS Sec. 5/4-210)**

24-7-12 PUBLIC SALE PROCEEDS. When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Police Department and disposed of as set forth in this Code, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the municipal treasury. **(See 625 ILCS Sec. 5/4-211)**

24-7-13 **LIABILITY.** A law enforcement officer or agency, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, lienholder, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Code. **(See 625 ILCS Sec. 5/4-213)**

24-7-14 **PENALTY.** Any person who violates or aids and abets in the violation of this Article, shall be fined as provided in **Section 1-1-20** or **1-1-21** of the City Code, and shall be required by the Court to make a disposition on the abandoned or unclaimed vehicle and pay all towing and storage charges pursuant to this Article. **(See 625 ILCS Sec. 5/4-214)**

(See Chapter 37; 1970 City Code)

EXHIBIT "A"

VEHICLES PROHIBITED

All of a corridor of land, 100 feet in width, formerly known as Prairie Trunk Railway, and previously known as the Baltimore and Ohio Railroad, located in the City of Altamont, State of Illinois, more specifically that part located between Jackson Avenue and the North line of Conrail right of way, and that part, also 100 feet in width, located between the north line of Section 21 and a point located 2,300 feet North of the South line of said Section, all in Township 7 North, Range 4 East of the Third Principal Meridian, except the following described tract: A part of the Northeast 1/4 of the Northeast 1/4 of Section 21, Township 7 North, Range 4 East of the Third Principal Meridian, Effingham County, Illinois, more particularly described as follows: Beginning at the intersection of the centerline of survey of Federal Aid Interstate Route 70 (recorded in Book 2 of Plats, Page 68 in the office of the Effingham County Recorder) and the east right of way line of the former Baltimore and Ohio Railroad; thence Northerly along said east right of way line to the northerly right of way line and line of said Route 70; thence westerly along said northerly right of way line and its prolongation to the west right of way line of said railroad; thence southerly along said west right of way line to the southerly right of way line of said Route 70; thence easterly along said southerly right of way and its prolongation to the said east right of way line; thence northerly along said east right of way line to the point of beginning. This tract of land is located between Railroad Station 5566+01.21 and 5569+61.79, situated in Effingham County, Illinois.

CITATION FORM

NO. _____

DATE _____ TIME _____

LICENSE NO. _____ STATE _____

LICENSE EXPIRES _____ MAKE OF VEHICLE _____

METER NUMBER _____ OFFICER _____

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

- 1. Overparked, Two Hour Zone \$10.00 []
- 2. Double Parked \$10.00 []
- 3. Parked at Fire Plug \$10.00 []
- 4. Blocking Driveway or Alley \$10.00 []
- 5. Parked Where Official Signs Erected \$10.00 []
- 6. Improper Parking \$10.00 []
- 7. Yellow Line \$10.00 []
- 8. Each Additional Hour Violation \$10.00 []
- 9. Parking on Sidewalk \$10.00 []

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than **\$20.00** will be collected.

FOR YOUR CONVENIENCE

After detaching your Ticket Stub, place the fine in the envelope and deposit it in the Utility collection box at the City Hall.

SCHEDULE "A"

STOP INTERSECTIONS

In accordance with the provisions of **Section 24-3-3** the following are hereby established as stop intersections:

I. ONE OR TWO-WAY STOPS.

<u>THROUGH STREET</u>	<u>STOP STREET (DIRECTION)</u>
Cumberland Rd. (Rte. 40)	All Intersecting Streets
Division St.	All Intersecting Streets
Main St.	All Intersecting Streets
N. Second Ave.	W. Adams Ave. (Both) (#395-05)
N. Second Ave.	W. Monroe St. (Both) (#395-05)
N. Second St.	W. Jefferson Ave. (Both) (#395-05)
05)	
Second St.	Jefferson Ave. (Both)
N. Third St.	W. Adams Ave. (Both) (#395-05)
Third St.	Alley (N. Second/N. Third) (West) (#395-05)
	Alley (Adams/Washington) (West Bd.)
Third St.	W. Division St. (Both) (#395-05)
N. Third St.	W. Jefferson Ave. (Both) (#395-05)
N. Third St.	W. Madison Ave. (Both) (#395-05)
N. Third St.	W. Washington Ave. (Both) (#395-05)
S. Fourth St.	W. Grant Ave. (Both) (#395-05)
Tenth St.	Carella Ave. (West Bd.) (North & South)
Tenth St.	W. Garfield Ave. (West Bd.)
Tenth St.	W. Grant Ave. (West Bd.)
Tenth St.	W. Hayes Ave. (West Bd.)
Tenth St.	Jackson St. (Both)
Tenth St.	Jefferson Ave. (West Bd.)
Tenth St.	Monroe Ave. (West Bd.)
N. Tenth St.	W. Division (East) (#395-05)
N. Tenth St.	W. Jackson Ave. (Both) (#395-05)
N. Tenth St.	W. Jefferson Ave. (East) (#395-05)
N. Tenth St.	W. Monroe Ave. (East) (#395-05)
S. Tenth St.	Carella Dr. (Both) (#395-05)
S. Tenth St.	W. Garfield Ave. (East) (#395-05)

S. Tenth St.

W. Grant Ave. (East) (#395-05)

THROUGH STREET**STOP STREET (DIRECTION)**

S. Tenth St.

W. Hayes Ave. (East) (#395-05)

County Highway 25

Mathias Ct. (#395-05)

Division St.

N. Main St. (#395-05)

Division St.

S. Main St. (#395-05)

E. Division St.

N. Bond St. (#395-05)

E. Division St.

S. Bond St. (#395-05)

E. Division St.

Coles St. (#395-05)

E. Division St.

N. Edwards St. (#395-05)

E. Division St.

S. Edwards St. (#395-05)

E. Division St.

Ewing St. (#395-05)

E. Division St.

E. Meadows Dr. (#395-05)

E. Division St.

E. Meadows Ln. (#395-05)

E. Division St.

Reynolds St. (#395-05)

E. Division St.

N. St. Clair St. (South) (#395-05)

E. Division St.

S. St. Clair St. (North) (#395-05)

E. Division St.

Whitler Dr. (#395-05)

W. Division St.

N. Fourth St. (Both) (#395-05)

W. Division St.

S. Sixth St. (Both) (#395-05)

Edwards St.

E. Division St. (#395-05)

S. Edwards St.

Ash St. (West) (#395-05)

S. Edwards St.

E. Grant Ave. (#395-05)

S. Edwards St.

Grove (East) (#395-05)

S. Edwards St.

E. Johnson Ave. (Both) (#395-05)

S. Edwards St.

E. Lincoln Ave. (Both) (#395-05)

S. Edwards St.

Oak St. (West) (#395-05)

S. Edwards St.

Park Place (West) (#395-05)

Ewing St.

Johnson Ave. (East Bd.)

Ewing St.

E. Johnson Ave. (West) (#395-05)

Ewing St.

Lincoln Ave. (East Bd.)

Ewing St.

E. Lincoln Ave. (West) (#395-05)

Fairlane Circle

Lincoln Dr. (#395-05)

Frontage Rd.

Fairlane Circle (#395-05)

Grant Ave.

S. Sixth St. (#395-05)

W. Grant Ave.

S. Eighth St. (#395-05)

Illinois Route 128

Ash St. (#395-05)

THROUGH STREET**STOP STREET (DIRECTION)**

Illinois Route 128
Illinois Route 128
Illinois Route 128

Fairlane Circle North (#395-05)
Fairlane Circle South (#395-05)
Oak St. (#395-05)

W. Madison Ave.

N. Second St. (Both) (#395-05)

Main St.
Main St.
Main St.
Main St.

E. Division St. (#395-05)
W. Division St. (#395-05)
Jays Way (#395-05)
Sadie Ln. (#395-05)

N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.
N. Main St.

E. Adams Ave. (#395-05)
W. Adams Ave. (#395-05)
E. Jackson Ave. (#395-05)
W. Jackson Ave. (#395-05)
E. Jefferson Ave. (#395-05)
W. Jefferson Ave. (#395-05)
W. John Adams Ave. (#395-05)
E. Madison Ave. (#395-05)
W. Madison Ave. (#395-05)
E. Monroe Ave. (#395-05)
W. Monroe Ave. (#395-05)
E. Washington Ave. (#395-05)
W. Washington Ave. (#396-05)

S. Main St.
S. Main St.
S. Main St.
S. Main St.
S. Main St.
S. Main St.
S. Main St.

E. Grant Ave. (#395-05)
W. Grant Ave. (#395-05)
W. Hayes Ave. (#395-05)
E. Johnson Ave. (#395-05)
W. Johnson Ave. (#395-05)
E. Lincoln Ave. (#395-05)
W. Lincoln Ave. (#395-05)

W. Monroe Ave.
W. Monroe Ave.
Monroe St.
Rural Rd.

N. Second St. (Both) (#395-05)
N. Third St. (Both) (#395-05)
N. Main St. (Both) (#395-05)
Fairland Circle (East Bd.)

U.S. Route 40
U.S. Route 40
U.S. Route 40
U.S. Route 40
U.S. Route 40

S. Third St. (#395-05)
S. Fourth St. (#395-05)
S. Sixth St. (#395-05)
S. Eighth St. (#395-05)
S. Tenth St. (#395-05)

THROUGH STREET

STOP STREET (DIRECTION)

U.S. Route 40
U.S. Route 40
U.S. Route 40
U.S. Route 40
U.S. Route 40
U.S. Route 40
U.S. Route 40

S. Bond St. (#395-05)
Coles St. (#395-05)
S. Edwards St. (#395-05)
Ewing St. (#395-05)
Gilbert Park Exit (#395-05)
S. Main St. (#395-05)
Reynolds St. (#395-05)

W. Washington Ave.

N. Second St. (Both) (#395-05)

II. THREE-WAY STOP.

III. FOUR-WAY STOPS.

Division St.	at	Third St.
Division St.	at	Edwards St.
Division St.	at	Main St.
Monroe Ave.	at	Main St.
Cumberland Rd.	at	Main St.

SCHEDULE "B"

ONE-WAY STREETS AND ALLEYS

In accordance with the provisions of **Section 24-3-2** the following streets and/or alleys are hereby designated as one-way streets and alleys:

<u>STREET/ALLEY (DIRECTION)</u>	<u>LOCATION</u>
Alley (S. Third St. to S. Fourth St.) (South Bd.)	From Division St. to W. Lincoln St.
Alley (Adams/Washington) (West Bd.)	From Second St. to Third St.
Alley (North of Mid Illinois Bank & Trust)	From N. Second St. to N. Third St. (#395-05)

SCHEDULE "C"

YIELD RIGHT-OF-WAY INTERSECTIONS

In accordance with the provisions of **Section 24-3-4** the following streets are hereby designated as yield right-of-way intersections:

THROUGH STREET		YIELD STREET (DIRECTION)
Third St.	at	Grant St. (Both)
Third St.	at	Hayes St. (West Bd.)
Third St.	at	Johnson St. (Both)
Third St.	at	Lincoln St. (Both)
S. Third St.	at	W. Grant Ave. (Both) (#395-05)
S. Third St.	at	Hayes Ave. (Both) (#395-05)
S. Third St.	at	W. Johnson Ave. (Both) (#395-05)
S. Third St.	at	W. Lincoln Ave. (Both) (#395-05)
Fourth St.	at	Hayes St. (West Bd)
Fourth St.	at	Johnson Ave. (West Bd.)
Fourth St.	at	Lincoln St. (West Bd.)
S. Fourth St.	at	W. Hayes Ave. (East) (#395-05)
S. Fourth St.	at	W. Johnson Ave. (East) (#395-05)
S. Fourth St.	at	W. Lincoln Ave. (East) (#395-05)
N. Tenth St.	at	Andeline Ln. (#395-05)
Adams Ave.	at	Edwards St. (North Bd.)
E. Adams St.	at	N. Edwards St. (North) (#395-05)
E. Adams St.	at	N. St. Clair St. (South) (#395-05)
Edwards St.	at	Ash St. (East Bd.)
Edwards St.	at	Madison Ave. (Both)
Edwards St.	at	Monroe Ave. (Both)
Edwards St.	at	Oak St. (East Bd.)
Edwards St.	at	Park Place (East Bd.)
Edwards St.	at	E. Washington Ave. (Both)
N. Edwards St.	at	E. Madison Ave. (Both) (#395-05)
N. Edwards St.	at	E. Monroe St. (Both) (#395-05)
N. Edwards St.	at	E. Washington Ave. (Both) (#395-05)
S. Edwards St.	at	Wurl Ln. (#395-05)
Evergreen St.	at	S. Edwards St. (East) (#395-05)
Evergreen St.	at	Pine Ln. (#395-05)

THROUGH STREET**YIELD STREET (DIRECTION)**

Fairlane Circle	at	Sherman Dr. (#395-05)
Fairlane Circle	at	Wacker Dr. (#395-05)
Jackson Ave.	at	Second St. (North Bd.)
Jackson Ave.	at	Third St. (North Bd.)
Jackson Ave.	at	Seventh St. (North Bd.)
Jackson Ave.	at	Eighth St. (North Bd.)
Jackson Ave.	at	Ninth St. (North Bd.)
Jackson Ave.	at	N. Edwards St. (North Bd.)
Jackson Ave.	at	St. Clair St. (North Bd.)
E. Jackson Ave.	at	N. Edwards St. (South) (#395-05)
E. Jackson Ave.	at	N. St. Clair St. (Both) (#395-05)
W. Jackson Ave.	at	N. Second St. (South) (#395-05)
W. Jackson Ave.	at	N. Third St. (South) (#395-05)
W. Jackson Ave.	at	N. Seventh St. (South) (#395-05)
W. Jackson Ave.	at	N. Eighth St. (South) (#395-05)
W. Jackson Ave.	at	N. Ninth St. (South) (#395-05)
W. Jefferson Ave.	at	N. Seventh St. (North) (#395-05)
W. Jefferson Ave.	at	N. Eighth St. (Both) (#395-05)
John Adams St.	at	Second St. (Both) (#395-05)
Johnson Ave.	at	Bond St. (Both)
Johnson Ave.	at	Coles St. (Both)
Johnson Ave.	at	Reynolds St. (Both)
E. Johnson Ave.	at	S. Bond St. (Both) (#395-05)
E. Johnson Ave.	at	Coles St. (Both) (#395-05)
E. Johnson Ave.	at	Reynolds St. (Both) (#395-05)
E. Johnson Ave.	at	S. St. Clair St. (Both) (#395-05)
Lincoln Ave.	at	Bond St. (Both)
Lincoln Ave.	at	Coles St. (Both)
Lincoln Ave.	at	Reynolds St. (Both)
Lincoln Ave.	at	St. Clair St. (Both)
E. Lincoln Ave.	at	S. Bond St. (Both) (#395-05)
E. Lincoln Ave.	at	Coles St. (Both) (#395-05)
E. Lincoln Ave.	at	Reynolds St. (Both) (#395-05)
E. Lincoln Ave.	at	S. St. Clair St. (Both) (#395-05)
Lincoln Dr.	at	Fairlane Circle (East) (#395-05)
Lincoln Dr.	at	Wacker Dr. (#395-05)
Madison St.	at	Eighth St. (Both) (#395-05)
E. Madison Ave.	at	N. St. Clair St. (Both) (#395-05)

THROUGH STREET**YIELD STREET (DIRECTION)**

N. Main St.	at	N. Second St. (North) (#395-05)
Meadows Dr.	at	Field St. (West Bd.)
Meadows Dr.	at	Meadows St. (West Bd.)
Meadows Dr.	at	Prairie St. (West Bd.)
E. Meadows Dr.	at	Field St. (East) (#395-05)
E. Meadows Dr.	at	Meadows St. (East) (#395-05)
E. Meadows Dr.	at	Prairie St. (East) (#395-05)
Meadows Ln.	at	Meadows St. (East Bd.)
Meadows Ln.	at	Prairie St. (East Bd.)
E. Meadows Ln.	at	Meadows St. (West) (#395-05)
E. Meadows Ln.	at	Prairie St. (West) (#395-05)
Monroe Ave.	at	Seventh St. (Both)
Monroe Ave.	at	Eighth St. (Both)
Monroe Ave.	at	Ninth St. (Both)
E. Monroe Ave.	at	N. St. Clair St. (Both) (#395-05)
W. Monroe Ave.	at	N. Seventh St. (Both) (#395-05)
W. Monroe Ave.	at	N. Eighth St. (Both) (#395-05)
W. Monroe Ave.	at	N. Ninth St. (Both) (#395-05)
Washington Ave.	at	St. Clair St. (Both)
E. Washington Ave.	at	N. St. Clair St. (Both) (#395-05)

SCHEDULE "E"

NO-PARKING ZONES

In accordance with the provisions of **Section 24-6-3**, the following are hereby declared to be "no-parking" streets; to-wit:

STREET - SIDE	LOCATION
N. Second St. (West)	From Adams St. to a point 50 feet south (#395-05)
S. Third St. (East)	From W. Division St. to W. Lincoln St.
S. Third St. (West)	From W. Division St. to E. Cumberland Rd.
W. Adams St. (North)	From N. Second St. to a point 50 feet west (#395-05)
W. Adams St. (South)	From N. Second St. west 20 feet (#395-05)
Cumberland Rd. (Both)	From S. Edwards to East Corporate Limits
Division St. (South)	From Main St. to a point 120 feet east (#395-05)
W. Division St. (North)	From Main St. to a point 50 feet west (#395-05)
E. Division St. (Both)	From N. Bond St. to East Corporate Limits
W. Division St. (South)	From S. Third St. to railroad right-of-way
W. Division St. (South)	From S. Third St. west 130 feet
S. Ewing St. (West)	From E. Cumberland Rd. to E. Division St.
W. Jefferson Ave. (North)	From N. Third St. to N. Eighth St. (#66)
Madison St. (North)	From N. Main St. to Ninth St. (#395-05)
S. Main St. (Both)	From W. Hayes St. to South Corporate Limits

SCHEDULE "F"

LIMITED PARKING

In accordance with the provisions of **Section 24-6-3**, the following are hereby declared to be "limited parking" streets; to-wit:

I. TWO-HOUR LIMIT: 7:00 A.M. TO 5:00 P.M. - MONDAY THROUGH FRIDAY.

<u>STREET - SIDE</u>	<u>LOCATION</u>
N. Second St. (East)	From W. Adams Ave. to a point 45 feet north of the SW corner of block 9 in the original town.
N. Second St. (West)	From Alley north of W. Division St. and W. Adams Ave. (#19)
N. Third St. (East)	From W. Adams St. to Washington Ave. (#19)
N. Third St. (West)	From W. Division St. to the alley south of W. Adams Ave. (#19)
W. Division St. (North)	From N. Third St. to N. Fourth St.
N. Main St. (East)	From Division St. to Washington Ave. (#19)

II. TWO-HOUR LIMIT.

<u>STREET - SIDE</u>	<u>LOCATION</u>
N. Second St. (East)	From W. Washington Ave. to south end of the triangle. (#109)
W. Division Ave. (South)	From S. Main St. 20 feet west (#92)
N. Main St.	at 19 N. Main St. (#92)
N. Main St. (West)	From W. Washington Ave. to W. Adams Ave. (#120)
W. Washington Ave. (North)	From N. Main St. to N. Second St. (#109)

III. TWO-HOUR LIMIT - MONDAY THROUGH FRIDAY FROM 8:00 A.M. TO 4:00 P.M.

<u>STREET - SIDE</u>	<u>LOCATION</u>
N. Main St. - West	From W. Washington Ave. to W. Division St. (#28)

IV. 15 MINUTE LIMIT - 8:00 A.M. TO 5:00 P.M.

<u>STREET - SIDE</u>	<u>LOCATION</u>
N. Second St. (West)	From W. Jefferson Ave. north 125 feet.

SCHEDULE "J"

LOAD LIMIT

In accordance with the provisions of **Section 24-6-6** the following load limit streets are hereby established:

I. 10 TON LIMIT.

<u>STREET</u>	<u>LOCATION</u>
S. Fourth St.	From W. Cumberland St. to W. Division St.
S. Tenth St.	From W. Cumberland St. to North Corporate Limits

SCHEDULE "K"

UNLOADING ZONES

In accordance with the provisions of **Section _____** the following streets are hereby designated as loading zones, to-wit:

<u>STREET - SIDE</u>	<u>LOCATION</u>
W. Adams St. (South)	West of N. Third St.

CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 DEFINITIONS.

“ASHES”: The residue from burning of wood, coal, coke or other combustible materials.

“AUTOMOBILE GRAVEYARD” shall mean 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.

“DISEASED ANIMAL” shall mean an animal showing symptoms of a disease of having an illness or being in an unhealthy state. This shall include a vicious animal.

“EXTERMINATION” shall mean 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.

“GARBAGE”: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

“HOUSEHOLD PETS” shall mean dogs, cats, hamsters, birds or similar animals being kept solely on private premises for non-commercial purposes.

“INFESTATION” shall mean the presence, within a dwelling or other building, on the premises or storage site of insects, rodents, or other pests.

“JUNK” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or 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.

“JUNK VEHICLE” shall mean any motor vehicle which is wrecked, scrapped, ruined, partially dismantled, wholly dismantled, inoperative, abandoned or discarded, and/or fails to display current valid licensing.

“JUNK YARD” shall mean 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.

“MANURE” shall mean the excrement of all domestic animals and fowl and stable bedding.

“MOBILE HOME SALVAGE YARD” shall mean 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.

“MOTOR VEHICLE” shall mean 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, campers and trailers.

“PERSON” shall mean any natural person, firm, club, corporation, association, partnership, company, organization or political subdivision.

“PREMISES” shall mean public and/or private property, either improved or vacant, inhabited or uninhabited, including buildings or other structures, vehicles, watercrafts and/or parts thereof.

“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.

“RODENTS” shall mean rats and mice.

“RUBBISH”: Nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes such as paper, cardboard, tin cans, wood glass, bedding, crockery, and similar materials.

“SCRAP PROCESSING FACILITIES” shall mean 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 remelting purposes only.

“STORAGE SITE” shall mean public and/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.

“VERMIN” shall mean roaches, bed bugs, fleas, lice or similar noxious or disgusting animals of small size.

ARTICLE II - REFUSE STORAGE AND DISPOSAL

25-2-1 **FINAL DISPOSAL OF REFUSE.** 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, a copy of which shall be on file at the County Health Department Office. 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 City, any refuse or other offensive matter that may attract or harbor flies, rodents, vermin and/or mosquitoes; create offensive odors or unsightliness; create a health hazard or nuisance.

25-2-2 **REFUSE AND STORAGE.**

(A) Garbage shall be drained and stored in durable, rust-resisting, nonabsorbent, water-tight, 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.

25-2-3 **ACCUMULATION, STORAGE AND BURNING.** No person shall place, leave, store or accumulate any refuse upon a storage site within the City except as provided in this Code and only between collection periods. No person shall burn or incinerate any refuse upon a storage site within the City except as a location, in a device, and in a manner which is approved by the Illinois Environmental Protection Act. When permits are required for operation of such devices, a copy of such permit shall be on file in the City Department of Health.

25-2-4 **ACCUMULATION AND STORAGE OF JUNK.**

(A) No person shall accumulate or store on any premises or storage site within the City any junk except in a junk yard, mobile home salvage yard, automobile graveyard, and/or scrap processing facility.

(B) No person may hereafter establish a junk yard, mobile home salvage yard, automobile graveyard, and/or scrap processing facility within **five hundred (500) feet** of any residential dwelling, with the exception of the establishments owner's residential dwelling, and/or **two hundred (200) feet** of the right-of-way of any public road within the City.

25-2-5 **TRANSPORTATION OF REFUSE.** 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 City, 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.

25-2-6 **FREQUENCY OF COLLECTION.** 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 City Health Department. 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.

25-2-7 **DANGEROUS AND HAZARDOUS MATERIALS.** 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 mixed and/or stored with and collected with refuse as defined in this Code. Such dangerous and hazardous materials or substances shall be stored, collected and disposed of in any manner prescribed by applicable State Statute.

25-2-8 **VERMIN AND RODENTS.** No person shall permit an infestation of vermin and rodents on any premises or storage site within the City.

25-2-9 **ENFORCEMENT.** This Code shall be enforced by the Officers of the Altamont City Police Department.

25-2-10 **INSPECTION.** An authorized representative of the Altamont 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 Article II of this Code 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.

25-2-11 **NOTICE TO ABATE.** Upon discovery of any violation of Article II of this Code by an Officer of the Altamont City Police Department, the owner, occupant, or agent causing, allowing or permitting such violation shall be issued a citation notice stating the date, time and place the violator is to appear in Effingham County Court and describing the violation and the part of the Code violated.

25-2-12 **PENALTY.** Any person who violates any provision specified in Article II of this Code shall, upon conviction, be fined as provided in **Section 1-1-20.**

ARTICLE III - NUISANCES

25-3-1 GENERAL. In all cases in this Article 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 Statutes of Illinois as nuisances, in addition to those declared herein, may, in case the same exist within the jurisdiction of the City, be treated as such and proceeded against as provided in Article III of this Code or any other provision of law applicable thereto.

25-3-2 THE FOLLOWING ARE DECLARED TO BE PUBLIC NUISANCES PREJUDICIAL TO PUBLIC HEALTH.

(A) To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others. Carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected, within **twenty-four (24) hours** after death.

(B) To throw or deposit any offal or other offensive matter or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street, or public highway.

(C) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others.

(D) All diseased animals running at large. Dogs or other household pets not confined to the owner's premises except when under direct human control. Animals determined by health or other County officials to be vicious.

(E) 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.

(F) The housing of animals or fowl other than household pets is prohibited.

(G) 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 City Health Department.

(H) Any open well, cistern, hole or pit including excavation related to construction which 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.

(I) Weeds or other underbrush which have grown to a height of **one (1) foot** or more or allowed to flower, are hereby declared to be a nuisance and any owner, lessee, occupant, or agent having control of any platted lot shall cut or cause the same to be cut.

(J) 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.

25-3-3 **ENFORCEMENT.** This Code shall be enforced by the City Police Department.

25-3-4 **INSPECTION.** An Officer of the City 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 Article III of this Code is being complied with. Refusal by said owner of the right of entry shall cause the officer to seek the permission of the court for right of entry.

25-3-5 **NOTICE TO ABATE.** Upon discovery of any violation of Article III of this Code, by an Officer of the City Police Department, the owner, occupant or agent causing, allowing or permitting such violation shall be issued a citation notice stating the date, time and place the violator is to appear in Effingham County Court and describing the violation and the part of the Code violated.

25-3-6 **PENALTY.** Any person who violates any provision specified in this Article shall, upon conviction, be fined as provided in **Section 1-1-20**.

ARTICLE IV - DANGEROUS BUILDINGS

25-4-1 **DEFINITIONS.** The term “dangerous buildings” as used herein shall mean and include:

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

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

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

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

25-4-2 **NUISANCE.** Any such dangerous building in the City is hereby declared to be a nuisance.

25-4-3 **UNLAWFUL IN CITY.** It shall be unlawful to maintain or permit the existence of any dangerous building in the City, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

25-4-4 **NOTICE TO ABATE.** Upon discovery of any violation of Article IV of this Code, by a representative of the State Fire Marshal’s Office or an Officer of the City Police Department, the owner or agent of such premises shall be informed of the violation by means of a written notice of inspection, to be sent to the last address of ownership or agency listed on the County Assessor’s tax rolls for the premises found to be in violation. The notification shall describe the conditions which constitute the violation, the means by which compliance may be achieved and give reasonable period of time for the violator to effect compliance.

25-4-5 **FAILURE TO COMPLY.** Upon expiration of the time limit established by **Section 25-4-4**, for the removal of any violation of Article IV of this Code, the inspecting officer shall determine if any violations remain. If any violations remain, the

inspecting officer shall issue a citation notice to the owner of the premises found to be in violation. The citation notice shall state the date, time and place the violator is to appear in the Effingham County Circuit Court.

25-4-6 **PENALTY.** Any person, firm or corporation violating any provisions of this Article, or permitting any dangerous building, or any building or structure, to remain in a dangerous condition, shall be fined as provided in **Section 1-1-20** of this Code.

All transactions under this Code shall be reduced to writing and placed on file with the City of Altamont.

(Ord. No. 279; 12-26-95)

CHAPTER 27

OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20**, as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein. (See 65 ILCS Sec. 5/1-3-2)

27-1-2 CRIMINAL CODE ADOPTED. The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply. (See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)

ARTICLE II - GENERALLY

27-2-1 DISTURBING POLICE OFFICER. No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the City owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not evoke into a crime unless the language provokes a breach of the peace or constitutes fighting words evoking some violent response. (See 65 ILCS Sec. 5/11-1-1)

27-2-2 IMPERSONATION OF OFFICER. No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any

person in his custody, or impersonate any of the members of the Police Force of this City, or maliciously or with the intention of deceiving any person, wear the uniform of or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department. (See 65 ILCS Sec. 5/32-5.1)

27-2-3 DISTURBING LAWFUL ASSEMBLIES. It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. (See 65 ILCS Sec. 5/11-5-2)

27-2-4 UNLAWFUL ASSEMBLY. It shall be illegal for persons to assemble unlawfully in the following situations:

(A) The use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law; or

(B) The assembly of **two (2)** or more persons to do an unlawful act; or

(C) The assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. (See 720 ILCS Sec. 5/25-1) (See 65 ILCS Sec. 5/11-5-2)

27-2-5 DISTURBING THE PEACE. No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct. (See 65 ILCS Sec. 5/11-5-2)

27-2-6 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any electrically-charged fence or barbed wire or other such sharp, pointed fence below **eight feet (8')** in height, except in an agricultural or conservation zone district.

27-2-7 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 SALE OF CIGARETTES OR TOBACCO TO MINORS. No minor under **eighteen (18)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under **eighteen (18) years of age.**

For the purpose of this Section, “smokeless tobacco” means any tobacco products that are suitable for dipping or chewing. (See 720 ILCS Sec. 675/1)

27-2-9 SMOKELESS TOBACCO.

(A) **Definition.** For the purposes of this Section, the term “smokeless tobacco” means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under Eighteen (18).** No person shall sell any smokeless tobacco product to any person under the age of **eighteen (18).**

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **eighteen (18)**, without charge or at a nominal cost, any smokeless tobacco product. (See 720 ILCS Sec. 680-1 et seq.)

27-2-10 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-11 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. (See 720 ILCS Sec. 5/31-7)

27-2-12 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. (See 720 ILCS Sec. 5/31-6(C))

27-2-13 **FALSE PRETENSES.** It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-14 **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-15 **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-16 **POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper City and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-17 **INTOXICATION IN PUBLIC.** No person shall, in the City, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. (See 65 ILCS Sec. 5/11-5-3)

27-2-18 **BEGGING.** No person shall beg or solicit alms within the City without having obtained permission in writing from the Mayor. (See 65 ILCS Sec. 5/11-5-4)

27-2-19 **CONCEALED WEAPONS.** No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor,

bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

27-2-20 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City or so that the bullet, arrow, missile or projectile therefrom enters the City without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his personal property.

27-2-21 **GAMES IN STREET.** No person shall, upon any City street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-22 **STORAGE OF EXPLOSIVES.**

(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding **five (5) pounds.** (See 65 ILCS Sec. 5/11-8-4)

27-2-23 **THROWING ROCKS.** No person in the City shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-24 **DESTRUCTION OF PUBLIC PROPERTY.** No person in the City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-25 **FORTUNE TELLING.** No person in the City shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-26 **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. (See 720 ILCS Sec. 505/1)

27-2-27 **HALLOWEEN CURFEW.** It shall be illegal for any person to engage in Halloween practice, commonly called “**Trick or Treat**”, by calling at the homes or dwelling places within the City, either masked or unmasked, except on a date established by the City Council and no later than **8:00 P.M.** (See 65 ILCS Sec. 5/11-1-5)

27-2-28 **CURFEW.**
(A) **Established.** It shall be unlawful for a person less than **seventeen (17) years of age** to be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least **eighteen (18) years of age**, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than **seventeen (17) years** of age to perform:

(1) Between 11:00 P.M. on Sunday to Thursday, inclusive and 6:00 A.M. on the following day.

(2) Between 12:00 Midnight on Friday and Saturday, inclusive and 6:00 A.M. on the following day.

(B) **Responsibility of Parents and Guardians.** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (A) of this Section. (See 65 ILCS Sec. 5/11-1-5)

27-2-29 **THEFT OF RECYCLABLES UNLAWFUL.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the City limits unless said person is acting as an agent for the City or acting as an agent for a waste hauler licensed by the City.

ARTICLE III

OFFENSES AGAINST PROPERTY

27-3-1 PETTY THEFT. A person commits a petty theft when the value of the property is under **Three Hundred Dollars (\$300.00)** and he knowingly:

- (A) obtains or exerts unauthorized control over property of the owner; or
- (B) obtains by deception, control over property of the owner; or
- (C) obtains by threat, control over property of the owner; or
- (D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(1) intends to deprive the owner permanently of the use or benefit of the property;

(2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or

benefit;

(3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft.

(See 720 ILCS Sec. 5/16-1)

27-3-2 CRIMINAL DAMAGE TO PROPERTY. Any of the following acts by a person shall be a violation of this Code.

- (A) To knowingly damage any property of another without his consent; or
- (B) recklessly, by means of fire or explosive, damage property of another; or
- (C) knowingly start a fire on the land of another without his consent; or
- (D) knowingly injure a domestic animal of another without his consent; or
- (E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. (See 720 ILCS Sec. 5/21-1)

27-3-3 CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT. No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. (See 720 ILCS Sec. 5/21-1.1)

27-3-4 INJURY TO UTILITY WIRES AND POLES. It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-5 STREET SIGNS; MOLESTING OF PROHIBITED. It shall be unlawful for any person or persons, in any manner or form, to deface, disfigure, damage or molest any of the street signs or parts thereof located in the City.

27-3-6 TAMPERING WITH PUBLIC NOTICE. It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. (See 720 ILCS Sec. 5/32-9)

27-3-7 SKATEBOARDS, ETC. PROHIBITED. The practice of riding or propelling oneself upon a device commonly known or referred to as a skateboard, roller skates or blade skates, is hereby prohibited upon any publicly-owned posted property and in any business district within the City limits.

ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

27-4-1 DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE. A person commits disorderly conduct when he knowingly:

(A) does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(B) transmits in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or

(D) transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

(F) while acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(G) transmits a false report to the Department of Children and Family Services.

(See 720 ILCS Sec. 5/25-1)

27-4-2 RESISTING OR OBSTRUCTING A PEACE OFFICER. A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. (See 720 ILCS Sec. 5/31-1)

27-4-3 REFUSING TO AID AN OFFICER. A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

(A) apprehending a person whom the officer is authorized to apprehend; or

(B) preventing the commission by another of any offense.

(See 720 ILCS Sec. 5/31-8)

27-4-4 ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

(A) **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two inches (2") or more in height and readable:

“CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER.”

(See 65 ILCS Sec. 5/11-5-2)

27-4-5 EXCAVATIONS. It shall be unlawful for any person who owns, maintains, uses, abandons, any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing. This Section shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. (See 720 ILCS Sec. 605/1)

ARTICLE V - ANTI-LITTER

27-5-1 DEFINITIONS. For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

“AIRCRAFT” is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

“AUTHORIZED PRIVATE RECEPTACLE” is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

“CONSTRUCTION SITES” means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

“HANDBILL” is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A) advertise for sale any merchandise, product, commodity or thing; or
- (B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

“LITTER” is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

“LOADING AND UNLOADING DOCK” means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

“PRIVATE PREMISES” means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

“PUBLIC PLACE” means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

“PUBLIC RECEPTACLES” means any receptacles provided by or authorized by the City.

“VEHICLE” is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the City except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.

(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.

(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 LITTERING FROM VEHICLES.

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the City unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 LITTERING FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit any litter within the City.

27-5-9 LITTER IN PARKS. No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 HANDBILLS.

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE CITY. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

(See 65 ILCS Sec. 5/11-80-15)

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(See 65 ILCS Sec. 5/11-5-2)

ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 DEFINITIONS. For the purpose of this Article, the following definitions shall apply:

“ACTS OF VANDALISM AND SIMILAR OFFENSES” shall include any of the following acts:

- (A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the City, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or
- (B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or
- (C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or
- (D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or
- (E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

“LEGAL GUARDIAN” shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act**.

“MINOR” shall include a person who is above the age of **eleven (11) years**, but not yet **eighteen (18) years** of age.

“PARENT” shall include the lawful father and mother of a minor child whether by birth or adoption.

“PROPERTY” shall include any real estate including improvements thereon and tangible personal property.

27-7-2 PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to

exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the City, following said adjudication or non-judicial sanctions; and

(C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

ARTICLE VIII - OBSCENITY

27-8-1 **OBSCENITY.**

(A) **Elements of the Offense.** A person commits an obscenity when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

(1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or

(2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it

obscene; or

(3) publishes, exhibits or otherwise makes available anything obscene; or

(4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or

(5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or

(6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

(1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and

(2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual

acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and

(3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate. (See 65 ILCS Sec. 5/11-5-1)

27-8-2 HARMFUL MATERIAL.

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) **Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **“Material”** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **“Distribute”** means to transfer possession of material whether with or without consideration.
- (4) **“Knowingly”** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

(1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.

(2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.

(3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:

(a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.

(4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement

substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

“NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor.”

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. (See **65 ILCS Sec. 5/11-5-1**)

27-8-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS.

Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. (See **720 ILCS Sec. 5/11-22**)

ARTICLE IX - OPEN BURNING

27-9-1 DEFINITIONS. Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

“AGRICULTURAL WASTE” means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

“GARBAGE OR HOUSEHOLD TRASH” means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products, including plastic containers.

“LANDSCAPE WASTE” means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

“OPEN BURNING” means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 BURNING PROHIBITED. It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

27-9-3 RESTRICTIONS ON BURNING OF LANDSCAPE WASTE. The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

CHAPTER 28

OIL WELLS

28-1-1 **PERMIT ESTABLISHED.** It shall be unlawful for any person to drill or to commence to drill any well for oil and gas within any portion of the drainage area described in **Appendix “A”** attached hereto and in the Plat thereof made by Russell and Axon Consulting Engineers, Incorporated, on file at City Hall, without a permit for such well and for the prosecution of such work having first been issued by the City Council, in accordance with the terms and provisions of this Chapter.

28-1-2 **APPLICATION FOR PERMIT.** Every application for a permit to drill any oil or gas well shall be in writing, signed by the applicant or some person duly authorized to sign the same in behalf of the applicant, and shall be filed with the City Clerk, and shall state the proposed location where each proposed well is to be drilled. A fee of **Fifty Dollars (\$50.00)** shall be charged for such permits. After the well has been drilled, if the casing is set in said well, that is the “long string” or “production string”, then an additional fee of **Two Hundred Dollars (\$200.00)** shall be paid as an inspection fee to the City, at the time of the setting and cementing of the casing in such well. In addition to the other fees, all producers and operators of oil and gas leases within the area herein described shall pay a monthly inspection fee which said fee shall be determined as follows, to-wit:

(A) **One Hundred Dollars (\$100.00)** per month per lease producing **one hundred (100) barrels** of oil per well per day or more;

(B) **Fifty Dollars (\$50.00)** per month per lease producing less than **one hundred (100) barrels** of oil per well per day, but more than **fifty (50) barrels** of oil per well per day;

(C) **Twenty-Five Dollars (\$25.00)** per month per lease producing less than **fifty (50) barrels** of oil per well per day.

28-1-3 **PERMIT REQUIRED.** It shall be unlawful for any person to commence any well for oil or gas within any portion of said sections until the permits issued by the City and by the Department of Mines and Minerals of the State of Illinois, or legible copies of the same, are posted at the well site; and the permits or copies thereof shall be kept so posted until the completion of such well or abandonment and plugging thereof.

28-1-4 **SIGN POSTED.** Every producing well, shall be identified by a sign in a conspicuous place near such well and such sign shall be of durable construction and the lettering thereon shall be kept in a legible condition and shall be large enough to be read under normal conditions at a distance of **fifty (50) feet**. Each sign shall show the number of the

well, the name of the lease, the name of the lessee, owner or operator, and their legal addresses under the jurisdiction of the Courts of the State of Illinois, and the location by quarter, quarter section, Township and Range.

28-1-5 **DIKES REQUIRED.** All drilling sites, pits, reserve pits and derricks shall be enclosed with earthen dikes of sufficient height and strength to divert surface drainage and to prevent the escape of any spills of oil, salt water or other liquids.

28-1-6 **TANK RESERVOIRS.** All lease tanks, stock tanks and oil field storage tanks shall be protected by a fire wall or dike, which said fire wall or dike shall form a reservoir having a capacity of **one and one-half (1 1/2) times** the capacity of the enclosed tank or the tank battery. All emulsion containers shall be impounded in said reservoir. The dike shall be maintained and the reservoir surface kept free of oil, emulsions, tank bottoms, brine, fresh water, vegetation, or any inflammable material. Tank batteries shall be so located as not to be subject to surface drainage.

28-1-7 **EARTHEN RESERVOIR STORAGE.** It shall be unlawful to store or retain oil in earthen reservoirs or in open receptacles; provided, however, that in cases of emergency the Mayor or a member of the City Council, may grant permission for temporary storage of oil in earthen reservoirs or in open receptacles.

28-1-8 **BURN-OUT PIT PROHIBITED.** The construction or operation of any salt water pit or oil field refuse pit, commonly called "burn out pit", so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse, is hereby prohibited.

28-1-9 **ABANDONMENT AND RESTORATION.** It shall be unlawful for any person, upon abandonment of any oil or gas well, to permit concrete bases, discarded machinery and materials, or debris to remain around such oil or gas well; to fail to fill any holes, cellars, slush pits or other excavations, made in connection with any such well; or to fail to restore the surface of the lands surrounding any such well to their former condition as existed before the drilling of any such well.

28-1-10 **WELLS PLUGGED.** It shall be unlawful to permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged, exceeding **sixty (60) days** after such well is no longer used for the

purpose for which it was drilled, except with the permission of the Mayor and the members of the City Council, for such reasonable extensions of time as may be necessary for the further development of the property.

28-1-11 RESERVOIR REQUIREMENTS. It shall be unlawful to run oil, salt water or brine produced in the drilling for or in the production of oil or gas into earthen reservoirs or ponds, except such reservoirs or ponds are so constructed that the evaporation will care for the input, and said ponds or reservoirs are so dug into the earth that they shall be of sufficient depth to contain all such brine, salt water or oil so that the liquid level in the pit shall not be higher than the natural surrounding ground surface, and such earthen reservoirs shall be surrounded by an earthen dike of sufficient height and strength to prevent the escape of any such impounded brine, salt water or oil.

28-1-12 PROHIBITED ESCAPES. It shall be unlawful to permit any brine, salt water, oil or other liquid substance within such earthen reservoirs to reach a level higher than the natural surrounding ground surface, to place pipes below the top of the walls of such reservoirs, to willfully cut any such wall, to permit any break in any such wall, to release any such impounded liquids, or to permit any of such liquids to escape from any such reservoirs.

28-1-13 SUBSURFACE DISPOSAL SYSTEM. For impounding salt water and oil field wastes in conjunction with a subsurface disposal system, the installation of the following type of receptacle is permissible:

(A) Concrete pit, properly located and not subject to surface drainage, of adequate dimensions with floors and walls of minimum thickness of **six (6) inches** reinforced, concrete pit to be waterproofed on the inside.

(B) Steel tank in good condition buried in the ground surrounded by floor and wall of cement with a minimum thickness of **six (6) inches** of adequate capacity, not subject to surface drainage, and the inside of such steel tank to be corrosion-proof.

(C) Steel tank in good condition, of adequate capacity, resting on the ground surface, and the inside of steel tank to be corrosion-proofed, provided, however, an earth dike or berm must be provided around the tank to form a reservoir having a capacity of **one and one-half (1 1/2) times** the capacity of the tank or tanks.

(D) An earthen pit which has been adequately treated with aqua-jell or its equivalent to become impermeable to fresh water, salt water or oil.

28-1-14 BOND REQUIRED. Each application shall be accompanied by a bond in the principal sum of **Ten Thousand Dollars (\$10,000.00)** duly executed by the applicant, as principal, and a surety company authorized to do business in the State of Illinois, as surety, running to the City for the use and benefit of the City and all persons, firms, and corporations

concerned, conditioned that if the permit be granted, the applicant, and his heirs, executors, administrators, successors and assigns, will comply with the terms and conditions of this Chapter in the drilling and operation of each well.

28-1-15 **INSPECTION.** The Superintendent of the Water Department, a police officer, or any other properly designated representative of the corporate authorities of the City shall have the right to ingress and egress to and from all well locations at all times for inspection purposes.

28-1-16 **NUISANCE.** The violation of any provisions of this Chapter whereby any unsanitary condition is created is hereby declared to be a public nuisance.

(Ord. No. 31; 01-24-73)

APPENDIX "A"

WHEREAS, streams or sources of water supply for the City of Altamont, Illinois, are in and upon lands situated in the following sections: Section 14, Section 15, Section 22 and Section 23 in Township 7 North, Range 4 East of the Third Principal Meridian, Effingham County, Illinois, more particularly described as follows:

Beginning at a point on the east line of Section 23, said point being 700 feet more or less north of the southeast corner of Section 23, thence in a southwesterly direction a distance of 1,500 feet, more or less, to a point 1,400 feet west and 200 feet north of the southeast corner of Section 23, thence in a northwesterly direction of 800 feet, more or less, thence 37° more or less right a distance of 1,000 feet; thence 43° more or less, a distance of 800 feet; thence left 21° more or less, a distance of 900 feet; thence right 50° more or less, a distance of 2,200 feet more or less to the intersection of the west line of Section 23, said point being 1,500 feet, more or less south of the northwest corner of Section 23, thence in a northwesterly direction along said line a distance of 1,300 feet; thence right 17° more or less a distance of 400 feet to the north line of Section 22, said point being 900 feet more or less west of the northeast corner of Section 22, thence Northwesterly along said line a distance of 1,100 feet, more or less; thence right 8° more or less a distance of 1,850 feet; thence right 77° more or less, a distance of 1,900 feet, more or less, to a point on the east line of Section 15, said point being 1,700 feet, more or less, south of the northeast corner of Section 15; thence southeasterly from said point a distance of 2,100 feet; thence left 17° more or less, a distance of 2,400 feet, more or less, to a point, said point being the northeast corner of the Northwest Quarter of Section 23, thence southeasterly a distance of 2,200 feet, thence right 24° , more or less, a distance of 1,350 feet, more or less, to a point on the east line of Section 23, said point being 2,250 feet more or less, south of the northeast corner of Section 23; thence south along the east line of Section 23, a distance of 2,350 feet more or less to the point of beginning.

CHAPTER 30

PUBLIC SAFETY

ARTICLE I - CIVIL EMERGENCY

30-1-1 **DEFINITIONS.**

“CIVIL EMERGENCY” is hereby defined to be:

(A) A “riot or unlawful assembly” characterized by the use of actual force or violence or any power to execute by **three (3)** or more persons acting together without authority of law; or

(B) Any “natural disaster” or “man-made calamity”, including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

“CURFEW” is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 DECLARATION OF EMERGENCY. Whenever an emergency as defined in **Section 30-1-1** exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

30-1-3 CURFEW. After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

30-1-4 **AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

(A) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5 EFFECTIVENESS. The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to re proclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

30-1-6 NOTIFICATION. Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the City and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

- (A) The City Hall.
- (B) The Post Office.
- (C) The Township Building.

(See 65 ILCS Sec. 5/11-1-6)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - ADMINISTRATION

30-2-1 DEPARTMENT ESTABLISHED. There is hereby established an executive department of the municipal government of the City which shall be known as the Police Department, which shall be under the supervision of the Commissioner of Public Affairs, and shall consist of **one (1) Chief of Police**, and such Patrol Officers (**one (1)** of whom may be designated as Sergeant by the Chief of Police), Lake Patrol Officers and other employees as may be approved from time to time by the City Council.

30-2-2 TRAINING REQUIRED. All members of the Altamont Police Department are required to take and successfully complete all training which is required for their position by the Illinois Local Governmental Law Enforcement Officers Training Board and any training classes which may be assigned by the Chief of Police.

30-2-3 DUTIES OF DEPARTMENT. The Police Department is responsible for the following:

- (A) Crime preventive patrol activities;
- (B) Protection of life and property, preservation of the peace, enforcement of the law, and suppression of crime, protection of the rights of all;
- (C) Investigation of police incidents and minor crimes, preliminary investigation of serious crimes;
- (D) Traffic law enforcement, traffic control and traffic accident investigations;
- (E) Follow-up investigations of serious crimes, vice crimes and fatal motor vehicle accidents;
- (F) Preparation of cases for prosecution;
- (G) Recovery of stolen property;
- (H) Processing of juvenile offenders;
- (I) Maintaining liaison with the juvenile court;
- (J) Other duties as may be assigned by the Commissioner of Public Affairs or the City Council.

30-2-4 CHIEF OF POLICE - ADMINISTRATION. The general administration, supervision and control of the Police Department is vested in the Chief of Police who shall be subject to and shall carry out or cause to be carried out all legal directions of the Commissioner of Public Affairs for the efficiency, effectiveness, and general good conduct of the Police Department.

30-2-5 **RULES AND REGULATIONS BY CHIEF.** The Chief of Police, with the approval of the Commissioner of Public Affairs and the City Council, may promulgate rules and regulations to maintain the efficiency, effectiveness and integrity of the Police Department. A complete and current copy of said rules and regulations, including all amendments, revocations and additions thereto shall be kept on file with the City Clerk.

30-2-6 **VIOLATION OF LAWS.** Any officers or member of the Department who violates or attempts to violate any law of the United States of America or the State of Illinois, or any ordinance of the City, or any rule, regulation, policy or procedure of the Police Department, or any general or special order, whether written or oral, of the Chief of Police or Commissioner of Public Affairs; or who is in any way incompetent to perform the duties of this office; shall be subject to disciplinary action. Primary disciplinary authority and responsibility within the Department shall rest with the Chief of Police, who is authorized to issue oral reprimands, written reprimands, and suspensions up to **thirty (30) days** without pay. All disciplinary action; taken by the Chief of Police is subject to review by the Commissioner of Public Affairs. Dismissal from service may be recommended by the Chief of Police, but shall be imposed by the Commissioner of Public Affairs. Any disciplinary action against the Chief of Police shall be imposed by the Commissioner of Public Affairs.

30-2-7 **DISCIPLINE.** Any disciplinary action taken by the Chief of Police against any member of the Department shall be reviewed by the Commissioner of Public Affairs within **ten (10) days** after a written request for review is submitted to him by the member of the Department against whom such disciplinary action is taken, provided that the written request for review is submitted within **five (5) days** after notification of the disciplinary action is given to the disciplined member of the Department. Failure to submit a written request for review within **five (5) days** after notification of disciplinary action shall be deemed to be a waiver by the disciplined member of the Department of any and all right of review.

38-2-8 **SUSPENSION OF MEMBER.** Any full-time, regular, sworn member of the Department, who has completed at least **twelve (12) months** of continuous service with the Department, and who is suspended more than **three (3) days** by the Chief of Police and such suspension is upheld upon review by the Commissioner of Public Affairs, or who is dismissed from service by the Commissioner of Public Affairs, may request a hearing on such disciplinary action before the City Council, by submitting a written request for such hearing to the City Clerk within **five (5) days** after such disciplinary action is upheld or imposed by the Commissioner of Public Affairs. No temporary Patrol Officer, Special Police, Lake Patrol Officer or any clerical staff assigned to the Police Department, nor any member of the Police Department who has not successfully completed his probationary period, is entitled to a review hearing before the City Council.

30-2-9 **HEARING.** Within **thirty (30) days** after an authorized written request for hearing is submitted to the City Clerk, the City Council shall conduct a fair and impartial hearing of the charges made against the officer and the disciplinary action taken. Said hearing shall be conducted as an adversary proceeding, in which the Department shall be represented by the City Attorney and the disciplined officer shall have the right to be represented at his own expense by an attorney of his own choosing. Notice of the hearing, together with a petition setting forth the charges against the disciplined officer and the disciplinary action taken, shall be served upon the disciplined officer or his attorney no less than **ten (10) days** prior to the hearing. The Mayor shall preside over the hearing, and a certified court reporter shall be present to administer oaths to all witnesses and record the testimony. The hearing shall not be bound by formal and technical rules of evidence; however, hearsay evidence will not be admissible. If the City Council determines that the charges are not sustained, the disciplined officer shall be reimbursed for all wages withheld, if any, and reinstated to his position prior to the notification of disciplinary action. If the City Council determines that the charges are sustained, then it shall either affirm the disciplinary action imposed or modify such disciplinary action where appropriate. The City Council's findings and decision shall be made in writing and presented at the first open Council meeting following the hearing. Said action shall be final administrative decision, notice of which shall be served upon the disciplined officer.

30-2-10 **CONTINUED EMPLOYMENT.** Nothing in this Article or in any rules or regulations promulgated or to be promulgated by the Chief of Police with the consent of the Commissioner of Public Affairs shall be deemed to give any member of the Department any right to continued employment or any property interest in his position beyond the expiration of his term of office.

30-2-11 - 30-2-15 **RESERVED.**

DIVISION II - POLICE CHIEF

30-2-16 **OFFICE ESTABLISHED.** There is hereby created the office of Chief of Police, who shall be appointed annually by the Commissioner of Public Affairs, with the approval of the City Council, on the **first (1st) day of May** of each year, or as soon thereafter as practical, which appointment shall be for the term of **one (1) year** and/or until his successor is appointed and has qualified, unless he is suspended or dismissed for good cause prior to the expiration of his term. The Chief of Police may be reappointed upon expiration of his term, but such reappointment shall be within the sole discretion of the Commissioner of Public Affairs, with the approval of the City Council. No one shall be deemed to have any right or property interest in the office of Chief of Police after the expiration of his term. The Chief of Police shall be vested with the general administration, supervision and control of the Police Department and shall perform such duties as are imposed upon him by law or ordinance, and in addition thereto such other duties as may be assigned to him from time to time by the City Council or by the Commissioner of Public Affairs. He shall be known also as the City Marshal.

30-2-17 **OATH OF OFFICE AND BOND.** Before entering upon the duties of the office of Chief of Police, a person shall take the oath prescribed for all City officers, and enter into bond in the penal sum of **Three Thousand Dollars (\$3,000.00)**, with good and sufficient sureties to be approved by the City Council, conditioned upon the faithful performance and discharge of his duties in such office. He shall receive such salary or compensation as the City Council by ordinance or resolution may direct.

30-2-18 **MANAGEMENT OF DEPARTMENT.** The Chief of Police shall, in subordination to the Commissioner of Public Affairs, have the full management and control of the Police Department, and all regulations and orders of said Department shall be promulgated through him. All subordinate officers of said Department shall be subject to such rules and regulations as from time to time shall be prescribed by said Chief of Police with the approval of the Commissioner of Public Affairs. Primary disciplinary authority and responsibility within the Department shall rest with the Chief of Police, who is authorized to issue oral reprimands, written reprimands, and suspensions up to **thirty (30) days** without pay.

The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall be charged with the preservation of the peace, order, safety and cleanliness of the City, and to this end shall execute and enforce all ordinances and Police Department rules and regulations of said City, and orders of the City Council and Mayor.

30-2-19 **CODE ENFORCEMENT.** The Chief of Police shall be charged with the duty of protecting the rights of persons and property and providing proper police protection at every fire within the City limits. He shall also take notice of all nuisances and take proper steps to abate the same. He shall cause to be removed all impediments and obstructions in the streets, avenues, alleys, and public places of the City, or cause immediate notice thereof to be given to the proper officer whose duty it may be to attend to the same, according to the ordinances of the City.

30-2-20 **ATTENDING CITY COUNCIL MEETINGS.** The Chief of Police shall attend, either in person or by deputy, all meetings of the City Council when requested by the Mayor or any Commissioner. He shall also serve all warrants or other legal process required to be served by him by law or ordinance of the City.

30-2-21 **REPORTS.** The Chief of Police shall make monthly reports in writing to the Mayor, who shall lay same before the City Council, of the number of arrest made by the Police Department during the preceding month and the offenses charged.

30-2-22 **PROPERTY SUPERVISION.** The Chief of Police shall have general supervision of all books, records, equipment and other property belonging to the Police Department, and of stolen goods seized and detained by police authority. Upon expiration of his term of office, or resignation or removal therefrom, he shall surrender to the Mayor, or his successor in office, all books, records, equipment, property and other effects coming into his possession by virtue of his office.

30-2-23 **INFORMING CITY ATTORNEY.** It shall be the duty of the Chief of Police to cause the City Attorney to be informed of any suits instituted by him, or through him and his department, wherein the interest of the City may require the presence of said City Attorney at the trial thereof.

30-2-24 - 30-2-26 **RESERVED.**

DIVISION III - PATROL OFFICERS

30-2-27 **POSITION ESTABLISHED.** There is hereby created the office of Patrol Officer, who shall be appointed annually by the Commissioner of Public Affairs, with the approval of the City Council, on the **first (1st) day of May** of each year, or as soon thereafter as may be. The Commissioner of Public Affairs may appoint as many Patrol Officers as in his judgment shall be sufficient to properly patrol the City and secure the peace and safety of the inhabitants. Each Patrol Officer shall hold his office for the term of **one (1) year** and/or until his successor is appointed and has qualified or until it is determined that there shall be no successor, unless he is suspended or dismissed for good cause prior to the expiration of his term. A Patrol Officer may be reappointed upon the expiration of his term, but such reappointment shall be within the sole discretion of the Commissioner of Public Affairs, with the approval of the City Council, and no one shall be deemed to have any right to or any property interest in the office of Patrol Officer after the expiration of his term. If in the judgment of the Commissioner of Public Affairs, the peace and safety of the inhabitants of the City are sufficiently protected by the appointment of the Chief of Police alone, then he will not need to appoint any Patrol Officer.

30-2-28 **OATH AND BOND.** Before entering upon the duties of his office, each Patrol Officer shall take the oath prescribed for all City officers, and shall execute a bond payable to the City, in the penal sum of **One Thousand Dollars (\$1,000.00)**, with sureties to be approved by the City Council conditioned upon the faithful performance of the duties of his office. Patrol Officers shall receive such salary or compensation as shall be provided by ordinance.

30-2-29 **AGE AND CHARACTER.** No person shall be appointed to or retained in the position of a regular, full-time Patrol Officer who is under **twenty-one (21) years** of age nor unless he is a person of good moral character and legal voter in the City of Altamont.

30-2-30 **SERGEANT APPOINTED.** A Sergeant may be appointed by the Chief of Police, at his discretion, from the ranks of Patrol Officers and may be returned to Patrol Officer at any time by the Chief of Police at his discretion, without benefit of any hearing whatsoever. In addition to his duties as a Patrol Officer, the Sergeant shall perform the duties to which he may be assigned by the Chief of Police and shall assume the duties and responsibilities of the Chief of Police in the absence of the Chief of Police. The Sergeant also has the authority for emergency suspensions and for disciplinary action in the absence of the Chief of Police.

30-2-31 **DISCHARGE OF DUTIES.** All Patrol Officers when on duty shall devote their entire time to the proper discharge of their duties as prescribed by the ordinances of the City and the rules and regulations of the Police Department. It shall be their special duty to preserve order, peace and quiet, and to enforce all the ordinances throughout the City.

30-2-32 **WARRANTS SERVED.** All Patrol Officers shall have power and authority and it shall be their duty, to serve and execute warrants and other legal papers for the apprehension and commitment of persons charged with the violation of any City ordinance, or any crime or misdemeanor, or offense against the laws of the City and State, or held for examination or trial. And they shall also have power and authority and it shall be their duty to serve and execute any civil process issued by any court on any person that is named in such civil process.

30-2-33 **FIRE DEPARTMENT AID.** It shall be the duty of all Patrol Officers to aid the fire department of the Altamont Fire Protection District in case of fire within the City of Altamont, by clearing the streets or grounds in the immediate vicinity of the fire, whenever the same shall be necessary to aid the firemen in the performance of their duties.

30-2-34 **GAMBLING SEIZES.** It shall be the duty of all Patrol Officers to seize any table, instrument, chips, slot machine or gambling device, or anything of any kind used for gambling and forthwith convey the same to the police headquarters or City Hall.

30-2-35 **TEMPORARY PATROL OFFICERS.** The Commissioner of Public Affairs may, in emergencies or on special occasions when in his judgment it shall be necessary for the preservation of the peace and order of the City, appoint and commission such number of temporary Patrol Officers as he may deem necessary. Said temporary Patrol Officers shall be dismissed as soon as the exigency of their appointment shall no longer exist. During the term of their appointment said temporary Patrol Officers shall possess the powers and exercise the duties of the regular Patrol Officers and shall receive the same compensation. However, at the next regular meeting of the City Council after the appointment of a temporary Patrol Officer, the Commissioner of Public Affairs shall lay before the City Council the names and number of temporary Patrol Officers so appointed and the cause therefor, and if the acts of the Commissioner of Public Affairs in making said appointments are not approved and confirmed, said temporary Patrol Officers shall be considered and held to be at once dismissed and discharged.

30-2-36 **SPECIAL POLICE OFFICERS.** On application being made to him, the Commissioner of Public Affairs may appoint any suitable person in the employ of any corporation, association, individual or firm, as a Special Police Officer in and for the City. Special Police Officers shall have all the qualifications required in the case of regular Patrol Officers; they shall take and subscribe the same oath, give like bond, exercise the same power, be under the control of the same authorities, and be subject to the same rules and regulations of the Police Department so far as the same are applicable to them; provided, however, that such Special Police Officers shall not be compensated by nor deemed to be employees of the City of Altamont. Said Special Police Officers shall be provided with stars by the person or persons asking for their appointment, each of which shall have engraved thereon the words, "Special Police, Altamont".

30-2-37 **ARREST POWER.** The Patrol Officers, together with the Chief of Police, and all persons possessing the power and authority of Patrol Officers, shall have the power to arrest all persons in the City found in the act of violating any law or ordinance, or aiding or abetting in any such violation, and shall arrest all persons found under suspicious circumstances and shall take all persons so arrested to the appropriate local detention facility.

30-2-38 **ASSISTANCE REQUESTED.** Any police officer may, at any time, call upon any able bodied male person above the age of **twenty-one (21) years** to aid him in arresting or taking into custody any person guilty of having committed any unlawful act, or charged therewith, or to aid such officers in preventing the commission of any unlawful act. Whoever shall refuse or neglect to give such aid or assistance when so requested shall be subject to a penalty of not less than **Ten Dollars (\$10.00)** nor more than **Fifty Dollars (\$50.00)** for each offense.

30-2-39 **RESISTING ARREST.** Whoever shall resist any sworn member of the Police Department in the discharge of his duty, or shall in any way interfere with or prevent him from discharging his duty, or shall endeavor to do so; and whoever shall, in any manner, assist any person in the custody of any member of the police force, to escape, or attempt to escape from such custody shall be fined as provided in **Section 1-1-20.**

(Ord. No. 209; 06-13-88)
(See 65 ILCS Sec. 5/11-1-2)

ARTICLE III - RESERVED.

ARTICLE IV

EMERGENCY SERVICES AND DISASTER AGENCY
(ESDA)

30-4-1 POLICY AND PROCEDURES.

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency services and disaster agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS Sec. 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

30-4-2 LIMITATIONS. Nothing in this Code shall be construed to:

- (A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
- (C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
- (D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-4-3 DEFINITIONS. As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

- (A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.
- (B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.
- (C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.
- (D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.
- (E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection,

temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

30-4-4 EMERGENCY SERVICES AND DISASTER AGENCY.

(A) There is hereby created an emergency services and disaster agency and a coordinator of the emergency services and disaster agency, herein called the “coordinator”, who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Council. He shall serve at the pleasure of the Mayor.

(B) The Emergency Services and Disaster Agency shall obtain, with Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency services and disaster operations of this municipality. He shall coordinate the activities of all organizations for emergency services and disaster operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Services and Disaster Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency services and disaster agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Services and Disaster Agency shall:

- (1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;
- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;

- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
 - (a) The establishment of an emergency operating center;
 - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-4-5 EMERGENCY SERVICES AND DISASTER POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
 - (a) Prevention and minimization of injury and damage caused by disaster;
 - (b) Prompt and effective response to disaster;
 - (c) Emergency relief;
 - (d) Identification of areas particularly vulnerable to disasters;
 - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

- (f) Assistance to local officials in designing local emergency action plans;
 - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - (h) Organization of municipal manpower and chains of command;
 - (i) Coordination of local emergency management activities;
 - (j) Other necessary matters.
- (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
- (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency services and disaster agency as its office.

30-4-6 FINANCING.

(A) It is the intent of the City Council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.

(B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the City Council is

capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the City Council can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-4-7 LOCAL DISASTER EMERGENCIES.

(A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

30-4-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-4-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS. The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local and department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-4-10 **COMMUNICATIONS.** The local Emergency Services and Disaster Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-4-11 **IMMUNITY.** Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-4-12 **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-4-13 **APPROPRIATIONS AND LEVY OF TAX.** The City Council may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also levy for emergency services and disaster operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-4-14 **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-4-15 **ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Services and Disaster Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Services and Disaster Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

30-4-16 **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency services and disaster agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency services and disaster agency.

30-4-17 **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-4-18 **NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-4-19 **SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency services and disaster agency shall succeed to the duties and responsibilities of the Mayor.

30-4-20 **COMPENSATION.** The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-4-21 **PERSONNEL OATH.** Each person, whether compensated or noncompensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Services and Disaster Agency, and which oath shall be substantially as follows:

“I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the City, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

30-4-22 EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.

(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or City Council, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-4-23 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding **Five Hundred Dollars (\$500.00)**.

(See 20 ILCS Sec. 3305/1 et seq.)

CHAPTER 31

RECREATION AND PARKS

ARTICLE I - GENERAL

31-1-1 **LEASE SPACE.** It shall be lawful for the City to lease space in the City Parks for concessions, or other purposes.

31-1-2 **WRITTEN LEASE.** All persons leasing space in the Parks shall sign a written lease, the terms and conditions of which shall be such as may be mutually agreed upon between the City Council and the lessee, provided the City Council shall be the sole judge for what purpose a lease shall be granted.

31-1-3 **KEEP PREMISES SANITARY.** The Lessee shall keep the premises so lease by him, in clean and sanitary condition, and keep all structures painted and in good repair.

31-1-4 **NOTICE TO REPAIR.** If the Lessee fails to keep the leased premises clean and sanitary, or in good repair, the City shall give him **thirty (30) days** notice in writing to repair, clean up his premises and put it in a sanitary condition, and if he fails to do so, the City shall have the right to declare the lease null and void and of no effect, and to terminate said lease without further notice, and the City may file forcible entry and detainer suit to recover possession of said premises.

31-1-5 **NOTICE TO TERMINATE.** If the Lessee violates this Chapter, or any other ordinances of the City which are now in force, or may hereafter be adopted by the City, or any amendments of such ordinances that may hereafter be adopted by the City, the City shall have the right to declare the lease null and void and of no effect, and to terminate said lease without further notice, and the City may file forcible entry and detainer suit to recover possession of said premises.

31-1-6 **WHEN TO OPERATE BUSINESS.** The Lessee shall operate his business each year, and if the Lessee fails to operate his business for **sixty (60) days** during a year, the building or structure built for the business, shall become the property of the City, unless the Lessee moves the building out of the Park within **thirty (30) days** after having received a written notice from the City to do so. If the Lessee fails to remove said building or structure from the Park, the City shall have the right to declare the lease null and void and of no effect, and to terminate the lease without further notice, and the City may file forcible entry and detainer suit to recover possession of said premises.

31-1-7 **SUIT TO TERMINATE LEASE NOTICE.** In the event the City is compelled to file suit as provided for in this Chapter, the Lessee shall pay all damages, costs and expenses the City incurred because of such termination of said lease, before the Lessee is permitted to remove the building or structure from said Park. If the Lessee does not pay all of the damages, costs and expenses within **ten (10) days** after receiving a bill from the City for the same, the City shall have the right to keep said building or structure as its own property for in full satisfaction and in liquidation of all damages, costs and expenses by it sustained, and the City shall have the right to take possession of said building or structure without process of law; or the City shall have the right to dismantle and remove such building or structure from the Park, and sell the same a public sale upon giving **ten (10) days** notice of such sale in a newspaper of general circulation in the City, and apply the proceeds of such sale toward the payment of such damages, costs and expense, but the Lessee shall be liable for any deficiency in the payment of such damages, costs and expenses. **(March 2, 1959)**

ARTICLE II - PARK REGULATIONS

31-2-1 DESTRUCTION OF PARK PROPERTY. Within the municipal parks, no person except park personnel on official business shall:

- (A) cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;
- (B) kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the City has authorized hunting;
- (C) willfully mutilate, injure or destroy any buildings bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

31-2-2 LITTERING - WATER POLLUTION.

(A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided. Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.

(B) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters any substance or thing, liquid or solid which will or may result in the pollution of the waters.

31-2-3 CAMPING AND FIRES IN PARKS.

(A) No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

(B) No person shall camp in the City Park without permission of the City.

(C) In camping areas, no person shall leave any campfire unattended by a competent person.

(D) Every person who has lighted or used any fire in a municipal park shall extinguish such fire before leaving the park.

31-2-4 PICNICS. No person shall picnic in the municipal parks except in areas designated for that purpose. Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.

31-2-5 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR IN CITY PARKS. No person shall consume, possess or have any alcoholic liquor, except in the original package and with the seal unbroken, upon, at or within any premises owned, used or designated as a park by the City of Altamont, except as follows:

(A) Non-profit civic, religious, charitable organizations or corporations, family reunions and similar groups shall have the right to have and consume alcoholic beverages in Schmidt Park, Heritage Park, and Gilbert Park provided that a permit is obtained from the City of Altamont. The alcoholic beverages shall be confined to a particular pavilion or area of the Park. The charge for such a permit shall be **Five Dollars (\$5.00).** (Ord. No. 124; 07-14-80)

31-2-6 ERECTION OF STRUCTURES. No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained a permit to do so from the City.

31-2-7 SIGNS. No person shall place within any municipal park or affix to any object therein any sign or device designated to advertise any business, profession, exhibition, event or thing unless he has obtained a permit to do so from the City.

31-2-8 ANIMALS. No person shall:

(A) bring any dangerous animal into any municipal park; or

(B) permit any dog to be in any park unless such dog is on a leash; or

(C) ride or lead any horse in any municipal park or recreational area except upon streets, paths or other ways expressly provided and posted for that purpose.

31-2-9 MOTOR VEHICLES PROHIBITED. No person other than municipal personnel on official business shall drive or park any motor vehicle, including snowmobiles, in any municipal park except on a roadway or parking lot.

31-2-10 SALES; AMUSEMENTS FOR GAIN. Within the parks of this municipality, no person shall, without having first obtained a permit from the City:

(A) sell or offer for sale any goods or services; or

(B) conduct any amusement for gain or for which a charge is made.

31-2-11 GROUP ACTIVITIES. Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics, parties, exhibitions or performances, a representative of the group shall first apply for and obtain a permit for such activity from the City Council.

31-2-12 **APPLICATION FOR PERMIT.** Applications for all permits required by this Chapter shall be made in writing to the Mayor not less than **seven (7) days** before the proposed date of the activity for which the permit is sought. Each application shall include the following information:

- (A) A statement briefly describing the nature of the proposed activity;
- (B) name, address and telephone number of the person or organization wishing to conduct such activity;
- (C) the date when such activity is to be conducted;
- (D) the hour when such activity will start and terminate;
- (E) the park or portion thereof for which such permit is desired; and
- (F) an estimate of the anticipated attendance.

31-2-13 **DECISION ON PERMIT APPLICATION.** After due consideration of the information contained in the permit application, but not later than **seven (7) days** after the application has been filed, the Mayor shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:

- (A) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) the facilities desired have not been reserved for other use at the day and hour requested in the application;
- (C) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (D) the proper policing of such activity will not require the diversion of so great a number of police officers as to prevent normal protection to the remainder of this municipality;
- (E) the conduct of such activity is not reasonably likely to cause injury to persons or property or to incite violence, crime or disorderly conduct; and
- (F) such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

31-2-14 **ISSUANCE OR DENIAL OF PERMIT.**

- (A) Notification by regular mail or by telephone shall be made promptly by the Mayor to every permit applicant of the decision on his application.
- (B) If such decision is favorable, the Mayor shall issue the permit. As a condition of the issuance of any permit, the Mayor may require that an indemnity bond be obtained if, in their opinion, such bond is necessary to protect this municipality from liability or to protect municipal property from damage.
- (C) The Mayor shall inform each applicant who has been denied a permit regarding the reasons for the denial and the procedure for appeals.

31-2-15 **HOURS.** The City Council shall establish the hours of operation of the municipal parks. No one shall be in the park without the Mayor's permission after the established hours.

ARTICLE III - CITY RESERVOIR

31-3-1 **LOCATION AND DESCRIPTION.** The City Water Reservoir and the land the City owns adjoining it, located and described as follows:

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; north half (N $\frac{1}{2}$) of the north half (N $\frac{1}{2}$) of the south half (S $\frac{1}{2}$) of the northeast quarter (NE $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$); south half (S $\frac{1}{2}$) of the north half (N $\frac{1}{2}$) of the south half (S $\frac{1}{2}$) of the northeast quarter (NE $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$); a piece of land 8 rods wide north and south and 20 rods long east and west out of the northeast corner of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; 8 acres off of the north side of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; a piece of land 624 feet long east and west and 416 feet wide north and south out of the northeast corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, except a piece of land 256 feet square out of the northeast corner thereof, and the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, except a piece of land 8 rods wide north and south and 20 rods long east and west out of the northeast corner thereof; the N $\frac{1}{2}$ of N $\frac{1}{2}$ of the SE; NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ excepting a piece of land thereof described and bounded as follows, commencing at a point 605.8 feet east of the northwest corner thereof, running thence east 208.7 feet, thence south 417.4 feet, thence west 208.7 feet, thence north 417.4 feet to the point of beginning; W $\frac{1}{2}$ of the NE of the NW $\frac{1}{4}$; W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, excepting the east five acres thereof; all in Section 23, Township 7 North, Range 4 East of the 3rd P.M. situated in Effingham County, Illinois; be, and the same are hereby made subject to the following regulations and subject to the penalties for violations of such regulations.

31-3-2 **FISHING.** The Fish Code of the State of Illinois be, and the same is hereby adopted for the regulation of fishing in the said City Reservoir.

31-3-3 **SWIMMING.** Swimming in the Reservoir is hereby prohibited.

31-3-4 **BOATING.** Motor boats shall not be operated on the reservoir, except for the purpose of treating the water by City employees, but all other boats may be operated on said reservoir at the risk of the persons desiring to do so. Electric trolling motors shall be permitted.

31-3-5 **DAMAGE TO PROPERTY.** No person shall carry away, remove or negligently deface, cut, or destroy or otherwise injure any mound, street, shrub, railing, bridge, culvert, fence, plant, or any building or article or thing belonging to the reservoir site, or in any way injure, or damage the dam on the reservoir site.

31-3-6 **VEHICLES ON DAM PROHIBITED.** The driving or riding of a vehicle on, over, or across the top of the dam, or on the side of the dam, other than on established roadways, is hereby prohibited.

31-3-7 **CAMPING PROHIBITED.** Camping on the reservoir site is hereby prohibited.

31-3-8 **RUBBISH AND DEBRIS.** The dumping or depositing of rubbish or debris into the reservoir, or onto the reservoir site, is hereby prohibited.

31-3-9 **OFFENSES.** All offenses listed in **Chapter 27** of the City Code shall be applicable to the City Reservoir.

(Ord. No. 52; 08-26-74)

CHAPTER 33

STREET REGULATIONS

ARTICLE I - DEPARTMENT OF PUBLIC IMPROVEMENTS ESTABLISHED

33-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the Municipal Government which shall be known as the **Department of Streets and Public Improvements**. It shall embrace the **Commissioner of Streets and Public Improvements** or his designated representatives. Whenever the term “Commissioner” is used it shall include his designated representative where applicable.

ARTICLE II - GENERAL REGULATIONS

33-2-1 **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the City or belonging to any private person.

33-2-2 **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the City for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 **RESERVED.**

33-2-4 STAIRWAY - RAILING. Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 SIGNS ACROSS STREET. No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council. (See 65 ILCS Sec. 5/11-80-17)

33-2-7 VEHICLES ON SIDEWALKS. No person shall operate any motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

33-2-8 DEPOSITS ON SIDEWALKS. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **two feet (2')**.

33-2-9 OBSTRUCTING STREET.

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, sidewalk or easement in the City, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. (See 65 ILCS Sec. 5/11-80-3)

33-2-10 **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the City Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

33-2-11 **BUILDING MATERIALS IN STREET.** The Street Superintendent may move any obstruction on any street or sidewalk of the City, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. **(See 65 ILCS Sec. 5/11-80-3)**

33-2-12 **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; unless permission is granted by the City Council. **(See 65 ILCS Sec. 5/11-80-3)**

33-2-13 **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-14 **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

33-2-15 **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-2-16 **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

33-2-17 **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designated to cause injury to persons, or any wire charged with electrical current, anywhere within **three feet (3')** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **six feet (6')** above the level of such public place.

33-2-18 **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the City.

ARTICLE III - TREES AND SHRUBS

33-3-1 **PLANTING.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

33-3-2 **PLANTING TREES IN RIGHT-OF-WAY.** It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement without the approval of the Commissioner.

33-3-3 **REMOVAL.** It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council before permission shall be granted.

33-3-4 **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5 **ADVERTISEMENTS OR NOTICES.** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 **DANGEROUS TREES.** Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-7 **WIRES.** It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8 **GAS PIPES.** Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

ARTICLE IV - EXCAVATIONS

33-4-1 **PERMIT REQUIRED.** It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the City without having obtained a permit as is herein required or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit. (See **Appendix “A”**)

33-4-2 **APPLICATIONS.** Applications for such permits shall be made to the Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done, and it shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

33-4-3 **FEES.** The fee for such permit(s) shall be as follows; however, the City Council may waive the fees in this Section:

- | | | |
|-----|---|---------|
| (A) | Excavation in asphalt or Portland cement concrete pavement or surface | \$15.00 |
| (B) | Excavation in brick pavement or surface | \$15.00 |
| (C) | Excavation in oil treated street surface | \$15.00 |
| (D) | Excavation in untreated or unimproved street or surface | \$15.00 |

33-4-4 **BOND.** No such permit shall be issued unless and until the applicant therefor has filed with the Clerk a bond in the sum of **Fifty Thousand Dollars (\$50,000.00)**, conditioned to indemnify the City for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state as a surety company. The City Council may waive the bond provided for herein.

33-4-5 **DEPOSIT.** No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk a cash deposit in the sum of **Two Hundred Fifty Dollars (\$250.00)** if no pavement is involved, and **One Thousand Dollars (\$1,000.00)** if the excavation is a paved area, to insure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense of the City of relaying the surface of the ground or pavement and of making the refill if this is done by the City or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The City Council may waive the deposit in this Section.

33-4-6 **MANNER OF EXCAVATING.** It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the City department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

33-4-7 **RESERVED.**

33-4-8 **RESTORING SURFACE.** Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant in compliance with the regulations of the City and under the supervision of the Street Superintendent.

33-4-9 **SUPERVISION.** The Superintendent of Public Works shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other place in the City to see to the enforcement of the provisions of this Code. Notice shall be given to him prior to backfilling of any such tunnel or excavation.

33-4-10 **TUNNELING.** It shall be unlawful to make any excavation in any portion of a street or sidewalk in the City which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted sand.

33-4-11 **PROTECTIVE MEASURES AND ROUTING OF TRAFFIC.** It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(A) Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.

(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the Street Superintendent may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(D) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Street Superintendent.

33-4-12 **CLEARANCE FOR VITAL STRUCTURES.** The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Street Superintendent.

33-4-13 **PROTECTION OF TRAFFIC.** The permittee shall maintain safe crossings for **two (2) lanes** of vehicle traffic at all street intersections where possible and safe crossing for pedestrians at intervals of not more than **three hundred (300) feet**. If any excavation is made across any public street, alley or sidewalk adequate crossing shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least **one-half (1/2)** of the sidewalk width shall be maintained along such sidewalk line.

33-4-14 **RELOCATION AND PROTECTION OF UTILITIES.** The permittee shall not interfere with any existing facility. If it becomes necessary to relocate an existing facility, this work shall be done by its owner, or a contractor approved by the utility owner. The facility owned by the City shall be moved to accommodate the permittee and the cost of such work is borne by the permittee. The cost of moving privately-owned facilities shall be

similarly borne by the permittee unless other arrangements are made with the person owning the facility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility.

In case of any said pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this Section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The City shall not be made a party to any action because of this Section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

33-4-15 **ABANDONMENT OF SUBSTRUCTURES.** Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person owning, using, controlling, or having an interest therein shall, within **thirty (30) days** after such abandonment, file with the Street Superintendent a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way or subsequently becomes in the way of an installation of the City or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the City or any other public body.

33-4-16 **PROTECTION OF ADJOINING PROPERTY.** The permittee shall, at all times, and at his or its own expense, preserve and protect from injury, any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent, the Street Superintendent may authorize him to enter the private premises solely for the purpose of making the property safe.

At the permittee's own expense, all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work shall be shored up and protected, and the permittee shall be responsible for all damage to public or private property or highways resulting from failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the

sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily any trees or shrubs which exist in parking street areas without first obtaining the consent of the appropriate City department or official having supervision of such property.

33-4-17 **PLACEMENT OF EXCAVATED MATERIAL.** All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as to eliminate danger to those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Street Superintendent shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Street Superintendent, whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Street Superintendent to prevent the spreading of dirt into traffic lanes.

33-4-18 **CLEAN-UP.** As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Street Superintendent. From time to time as may be ordered by the Street Superintendent and in any event, immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work and upon failure to do so within **twenty-four (24) hours** after having been notified to do so by the Street Superintendent, said work may be done by the Superintendent and the cost thereof charged to the permittee and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

33-4-19 **PROTECTION OF WATERCOURSES.** The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least **one (1) foot** in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. The

permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

33-4-20 BREAKING THROUGH PAVEMENT.

(A) Heavy duty pavement breakers may be prohibited by the Street Superintendent when the use endangers existing substructures or other property.

(B) Saw cutting of Portland cement concrete may be required when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall not be less than **one (1) inch** in depth; however, depths greater than **one (1) inch** may be required by the Street Superintendent when circumstances warrant. Saw cutting may be required by the Superintendent outside the limits of the excavation over cave-outs, overbreaks and small floating sections.

(C) Approved cutting of bituminous pavement surface ahead of excavations may be required by the Street Superintendent to confine pavement damage to the limits of the trench.

(D) Sections of sidewalks shall be removed to the nearest score line or joint.

(E) Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

(F) Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

(G) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(H) Boring or other methods to prevent cutting of new pavement may be required by the Street Superintendent.

(I) The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case, the permittee shall remove and pave the area.

33-4-21 DEPTH OF STRUCTURES. No person shall, without written permission of the Street Superintendent, install any substructure except manholes, vaults, valve casings, culverts, and catch basins at a vertical distance less than:

(A) **Streets. Twenty-four (24) inches** below the established flow line of the nearest gutter. If said flow line is not established, then the depth shall be at a minimum of **twenty-four (24) inches** below the surface of the nearest outermost edge of the traveled portion of the street.

(B) **Parkway.**

(1) The minimum depth of any substructure shall be **sixteen (16) inches** below established gutter grade when said substructure parallels the parkway.

- (2) The minimum depth of any substructure shall be **twelve (12) inches** below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.

(C) **Other Public Places.** The minimum depth of any substructure in any other public place shall be **twelve (12) inches** below the surface.

Nothing in this Section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of or travel on a public street.

33-4-22 BACKFILLING. Fine material, free from lumps and stone, selected from the soil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the degree of consolidation specified by the City Council. Broken pavement, large stones, roots and other debris shall not be used in the backfill.

The number and size of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner that will permit the restoration of the surface to a density condition not less than that existing prior to excavation unless otherwise specified. The Street Superintendent may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the City Council. All expense of such tests shall be borne by the permittee.

33-4-23 TRENCHES IN PIPE LAYING. The maximum length of open trench permissible at any time shall be in accordance with existing codes and regulations; however at night no more than **fifty (50) feet** may be open with proper barriers.

33-4-24 PROMPT COMPLETION OF WORK. After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.

33-4-25 URGENT WORK. When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Street Superintendent shall have full power to order, at the time the

permit is granted, that a crew of men and adequate facilities be employed by the permittee **twenty-four (24) hours** a day to the end that such excavation work may be completed as soon as possible.

33-4-26 **EMERGENCY ACTION.** Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Street Superintendent for such a permit on the first working day after such work is commenced.

33-4-27 **NOISE, DUST AND DEBRIS.** Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of **10:00 P.M.** and **7:00 A.M.**, shall not use except in case of emergency as otherwise provided herein, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

33-4-28 **PRESERVATION OF MONUMENTS.** Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the City Council to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the City.

33-4-29 **INSPECTIONS.** The Street Superintendent shall make such inspections as are reasonably necessary in the enforcement of this Article. The Superintendent shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article.

33-4-30 **LOCATION RECORDS.** Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

33-4-31 **LIABILITY OF PERSONS TO CITY FOR DAMAGE.** If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages.

(See 65 ILCS Secs. 5/11-80-1 through 5/11-80-23)

ARTICLE V - SIDEWALKS

33-5-1 **SIDEWALK CONSTRUCTION.** All sidewalk construction on the streets and the avenues of the City shall be constructed under the supervision of the Department of Streets and Public Improvements of said City. The property owner shall pay for the material used in constructing that part of the sidewalk immediately fronting the property owner's property or on both sides of the property owner's property, if applicable, such as a corner lot. The City shall furnish and pay for the material used in constructing the sidewalks on and across the intersections of the streets, avenues, and alleys in said City. The City shall furnish and pay for all of the labor necessary to construct such sidewalks.

33-5-2 **DEFINITION.** The term "sidewalk construction" refers to any replacement of existing sidewalks, or initial installation of sidewalks on streets and avenues of the City not previously offering such accommodation.

33-5-3 **CONSTRUCTION REQUIREMENTS.** All sidewalks shall be **four (4) inches** thick (using 5 bag mix) and constructed in such manner that the top surface of said sidewalk shall follow a line sloping up and away from the top of the curb at a slope of **one-fourth (1/4) inch** per foot. The top surface of said sidewalk shall be at least level with and not more than **one (1) inch** above the finished grade. All sidewalks shall be scored every **four (4) feet** and finished with a broom finish.

33-5-4 **PHYSICAL CONSTRAINTS.** If the physical site conditions conflict with the above requirements, a representative of the Department of Streets and Public Improvements will work out an agreeable variance procedure with the property owner prior to or during the completion of the sidewalk construction agreement.

33-5-5 **NEW SIDEWALKS.** When a request for initial new sidewalk construction is made in conjunction with the construction of a new home or other structure, and the City is requested to do the work as outlined in the sidewalk construction agreement hereinafter provided for, such work shall be completed in a reasonable time frame not to exceed **thirty (30) days** after the time when the sidewalk would not be subject to construction equipment or truck traffic.

33-5-6 **REPLACEMENT SIDEWALKS.** When a request involves replacement of existing sidewalks, an effort will be made to complete the work within a **thirty (30) day** period subject to the priorities of existing projects and emergency and weather conditions.

33-5-7 **PRIVATE CONTRACTOR.** If the above time frames or if the terms of the sidewalk construction agreement are not acceptable to the requesting property owner, the installation can be made by an independent contractor employed and paid by the property owner providing sidewalk conforms with the above specifications. All such construction shall be solely at the expense of the property owner.

33-5-8 **AGREEMENT REQUIRED.** Prior to the commencement of any sidewalk construction by the City, the owner or owners of property shall enter into a sidewalk construction agreement with the City. Such agreement shall provide for the property owner to pay for all materials utilized in conjunction with the construction and shall further provide that any owner not paying within **thirty (30) days** after being billed by the City shall be responsible for interest at the rate of **one and one-half percent (1 1/2%)** per month along with any costs of collection, including attorney fees and court costs incurred by the City in collecting the same. The owner shall further agree to grant to the City in collecting the same a lien on its property for the amount of the unpaid materials, costs of collection, and other costs incurred by the City. **(See Appendix “B”)**

ARTICLE VI - STREET IMPROVEMENTS

33-6-1 CURBS AND GUTTERS.

(A) **Request in Writing.** Any person owning property within the City who desires to have new curbs and gutters constructed, along with street adjoining his premises shall file a request with the Street Superintendent, giving the location of the property and the length of the curbs and gutters requested. All installations shall conform to the requirements of **Sec. 5/11-80-11 of Chapter 65 of the Illinois Compiled Statutes** and the **Environmental Barriers Act**.

(B) **Cost to Owner.** If the funds are available and the City Council approves the request, the property owner shall pay **one-half (1/2)** of the cost of the construction, including engineering fees, and thereafter the curbs and gutters shall be maintained by the City.

(C) **Approval by City Council.** The approval of the request for construction of curbs and gutters by the City Council shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the City as determined by the City Council.

(D) **Subdivisions.** This Section is not applicable to new subdivisions. **(See 65 ILCS Sec. 5/11-80-11)**

33-6-2 STORM SEWERS.

(A) **Description of Storm Sewers.** Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) **Supervision.** The Superintendent shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) **Permits.** Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.

(D) **Requirements: Use of Storm Water Sewers.** Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

(See 65 ILCS Sec. 5/11-80-7)

ARTICLE VII - CULVERTS

33-7-1 **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-7-2 **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the City Clerk.

33-7-3 **APPLICATION FOR PERMIT.** Any person desiring a permit to install or replace any culvert shall file an application therefor with the City Clerk upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix 'B'** attached hereto.

33-7-4 **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

33-7-5 **TYPE OF CULVERT.** Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Street Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The City shall install the culvert.

33-7-6 **COST OF INSTALLATION.** Any person installing or replacing a culvert shall, at his own expense, construct and install drainage inlet boxes in such form and manner as the Street Superintendent determines necessary depending on the conditions existing.

33-7-7 **BACKFILL COST.** Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Street Superintendent determines necessary to complete the project.

33-7-8 **REPLACEMENT COST.** The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

(See 65 ILCS Sec. 5/11-80-7)

ARTICLE VIII - DRIVEWAYS

33-8-1 **PERMITS REQUIRED.** No person shall construct a driveway for vehicles or animals across any sidewalk in the City without having first obtained a permit therefor.

Applications for such permits shall be made to the City Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the City Clerk.

33-8-2 **PERMIT FEE.** The fee for all such permits shall be **One Dollar (\$1.00)**.

33-8-3 **GRADE SURFACE.** No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

33-8-4 **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

33-8-5 **BREAKING CURB - BOND REQUIRED.** Before a permit can be issued to break a curb in the City for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the City Clerk.

33-8-6 **REPAIR.** It shall be the duty of the person maintaining the driveway to keep the same in good repair where it cross the sidewalk and free from obstruction and openings.

(See 65 ILCS Sec. 5/11-80-2)

ARTICLE IX - MOVING BUILDINGS

33-9-1 **PERMIT REQUIRED.** It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the City without first obtaining a permit therefor from the City Clerk. Such permit shall be known as a **“House Moving Permit”**.

33-9-2 **APPLICATION FOR PERMIT.** Any person desiring such a permit shall file with the City Clerk an application therefor in writing on a form to be furnished by the Street Superintendent for that purpose. Such application shall specify the following:

- (A) The character and size of the building to be moved;
- (B) The reason for such moving;
- (C) The use, purpose and occupancy for which said building or structure is to be used;
- (D) The location from which and to which said building is to be moved;
- (E) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the City;
- (F) The streets on, over or through which it is desired to move said building;
- (G) Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

33-9-3 **INVESTIGATION.** Upon the filing of the application, the Street Superintendent shall cause the Zoning Administrator, or other authorized representative of the City, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

33-9-4 **DENIAL OF PERMIT.** No person shall be issued to move any building or structure which, in the opinion of the Street Superintendent:

- (A) Is so constructed or in such condition as to be dangerous;
- (B) Is infested with pests or unsanitary;
- (C) If it is a dwelling or habitation, is unfit for human habitation;
- (D) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;
- (E) If the proposed use is prohibited by the Zoning laws of the City;
- (F) If the structure is of a type prohibited at the proposed location by any ordinance of the City; or

(G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the Street Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

33-9-5 **TERMS AND CONDITIONS OF PERMIT.** When a house moving permit is granted such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the City on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

33-9-6 **ESTIMATE OF COST AND DEPOSIT.** The applicant shall also deposit with the City Clerk a cash deposit sufficient to cover the cost to the City as estimated by the Street Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the City.

33-9-7 **LIABILITY INSURANCE.** Every person moving a building in the City shall file with the City Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this Section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **One Hundred Thousand Dollars (\$100,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **One Million Dollars (\$1,000,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **Fifty Thousand Dollars (\$50,000.00)** for damage to property of others, resulting from moving any **one (1) building**.

33-9-8 **OWNER'S COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE.** Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the City, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the City. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent (10%)** thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the City when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

33-9-9 **CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED.** Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security in favor of the City, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately, after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

- (1) Securely close and seal any sanitary piping located on the property.
- (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
- (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Street Superintendent.
- (4) Remove any buried underground tanks formerly used for storage of flammable liquids in accordance with the Illinois Environmental Protection Agency regulations.
- (5) Removal all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the Street Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this Section may be granted by the Street Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

33-9-10 **INSPECTION FEE AND PERMIT FEE.** An inspection fee in the sum of **Fifteen Dollars (\$15.00)** shall be paid to the City Clerk upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars (\$10.00)** shall be paid to the City Clerk upon the issuance of each house moving permit.

33-9-11 **ISSUANCE OF PERMIT.** The Street Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the City Clerk to issue the permit.

33-9-12 **SUSPENSION OR REVOCATION OF PERMIT.** The Street Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

33-9-13 **CONTROL AND SUPERVISION.** Every building which is moved on, over, or through any public street, way or park in the City shall be under the control of the Street Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the Street Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

33-9-14 **NOTICE REQUIRED.** Notice must be given to both the Street Department and the Police Department of the City by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

33-9-15 **DEFAULT IN PERFORMANCE OF CONDITIONS.** Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the Street Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the City Clerk the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon receipt of notice from the City Clerk that the permittee has deposited such money, the Street Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the City shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

33-9-16 **APPROVAL OF ROUTE.** The streets over which any building or structure is to be moved must be recommended by the Street Superintendent and the Chief of Police to the City Council for approval.

33-9-17 **OBSTRUCTING STREETS.** No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the City shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

33-9-18 **LIGHTS AND BARRICADES.** The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

33-9-19 **WIRES AND STRUCTURAL SUPPORTS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or City property; and such work shall be done only by the authorized workmen of the utility or the City, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

33-9-20 **TREES, PLANTS AND SHRUBS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the City, the person to whom such permit has been granted or his authorized representative shall notify the Street Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the City unless otherwise approved and so ordered by the Street Superintendent.

The person to whom the permit is granted shall pay to the City, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

33-9-21 **REPAIRS TO PUBLIC PROPERTY.** In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the City may have, the Street Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the Street Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the Street Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

33-9-22 **REFUNDING OF DEPOSITS.** When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the Street Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 33-9-6**, or such portion thereof then remaining unused under

Street Regulations 33-4-14

the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the City Clerk, upon receipt of the request from the Street Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

ARTICLE X - STRUCTURE NUMBERS

33-10-1 **HOUSES - NUMBERING OF.** The numbering of houses in the City shall conform to the following plan:

North and South Main Streets from the north corporate limits to the south corporate limits of said City, shall be the base line for all streets and avenues running east and west, and the houses on such streets shall be numbered both east and west from said base line, commencing at number one on the north and number two on the south side of the streets and avenues running east and west as aforesaid, and assigning not more numbers to each block than there are houses, buildings, or spaces on such block requiring numbers, numbering the first house or building in each block as many hundreds as said block is numbers from the base line, the first being one, and the second block being one hundred and so continue both east and west of said base line to the corporate limits of said City, assigning even numbers to the south side of such streets and the odd numbers to the north side of such streets in consecutive order.

East and West Division Streets from the east corporate limits to the west corporate limits of said City shall be the base line for all streets running north and south, and the houses on such streets shall be numbered both north and south from said base line, commencing at number one on the east and number two on the west side of the streets running north and south as aforesaid, and assigning not more numbers to each block than there are houses, buildings, or spaces on such block requiring numbers, numbering the first house or building in each block as many hundreds as said block is numbers from the base line, the first block being one, the second block being one hundred, and so continue both north and south of said base line to the corporate limits of said City, assigning even numbers to the west side of such street and the odd numbers to the east side of such streets in consecutive order.

33-10-2 **BLOCK DEFINED.** The term block as used in this Article shall be construed to be the lot or parcel of land lying between any **two (2) streets** in said City, subject however, insofar as the numbering of houses is concerned, to the exception contained in **Section 33-9-3** of this Article.

33-10-3 **STREET JUNCTURES.** It is hereby further provided that where a street joins another street but does not intersect it, then the block number, at a point on the other side of the street from, and directly opposite of the central point of such street juncture, shall be advanced to next hundred in order that the block numbers on each side of the street, that was not so intersected, are the same, and the block number shall not be changed until another street juncture, or street intersection is reached in such street, and then the block numbers shall be advanced as provided for in this Article.

33-10-4 **IRREGULAR STREETS.** It is hereby further provided that where a street joins the base line street, and extends away from such base line street, at an angle other than right angle, or turns in another direction after leaving the base line street, the numbering of the blocks and houses shall be the same as if such street extended at a right angle from the base line street.

APPENDIX "A"

**CITY OF ALTAMONT
STREET AND ALLEY DEPARTMENT**

202 North Second Street, Altamont, Illinois 62411

STREET AND ALLEY PERMIT PETITION

City of Altamont
State of Illinois

Permit Nos _____

Gentlemen:

Your Petitioner, _____ of _____
(hereinafter referred to as "Petitioner"), requests permission and authority from the City of Altamont, Illinois, (hereinafter referred to as "City") to do certain work herein described, to-wit:

A plat depicting the area in which the work is to be performed is attached hereto and made a part hereof.

Said work will be located in, on, under, upon, and along the public ways, streets, or alleys within the confines of the City limits of the City of Altamont.

PERMIT FEE

\$15.00

If the requested Street and Alley Permit is granted, the Petitioner agrees to the following:

1. Work authorized under this Permit shall be presented in such a manner as not to interfere with traffic on said public ways, streets or alleys. Warning lights, barricades and/or warning signs shall be maintained for the adequate protection of the vehicular and pedestrian traffic, as required in Part IV of the "Illinois Manual on Uniform Traffic Devices".

2. That the Petitioner complete the work within _____ days after work is begun, otherwise said Permit shall become null and void. Notice of the beginning of the work shall be given to the City Clerk's office (618-483-5212) at least 24 hours prior to starting construction.
3. That the Petitioner, or its successors or assigns shall indemnify and save harmless the City, its successors or assigns, from all damage, injury, loss, liability, suits, actions or proceedings of every kind and description against said City, its successors or assigns, for or on account of any injury or damages alleged to have been received or sustained by any party or parties by any act of omission of the Petitioner, its agents or servants, in the exercise of this Permit or otherwise arising out of the work described herein. It is hereby provided that written notice be given Petitioner by City, its successors or assigns within thirty (30) days after receipt of knowledge by said City, its successors or assigns of facts justifying the invocation of this paragraph, so that an opportunity is afforded Petitioner to investigate said facts and tender be made by City its successors or assigns to Petitioner to defend the action, all at said Petitioner's sole expense and liability.
4. If the excavation shall exceed fifteen (15) feet in length, the applicant shall be required to give a bond with surety approved by the City Clerk for the repair and replacement of the public way, street or alley to be disturbed. Each Petitioner shall file with the City a public liability insurance policy with the City as the named insured, insuring the City against liability from personal or property damage in the minimum amount of Fifty Thousand Dollars (\$50,000.00) for any one person and One Hundred Thousand Dollars (\$100,000.00) in any one accident for bodily injury or death and property damage of Five Thousand Dollars (\$5,000.00), or comply with Section 530.270 of the Accommodation of Utilities on Right-of-Way of the Illinois State Highway System.
5. It shall be the duty of the Petitioner making any excavation in any street, alley, or public way to refill such excavation and to restore the surface which may have been opened or otherwise disturbed, to a condition equally as good as it was before being so opened or disturbed, to furnish all material, do all work, pay all costs and shall in a reasonable length of time restore said streets, alley, or public ways before the estimated completion date set forth in the application for permit or any extensions granted by the City Clerk.
6. In the event of the failure of the Petitioner to restore the surface within the time specified in the Permit or in a satisfactory manner, the City Clerk shall give a notice to comply with the requirements hereof within five (5) days at the end of which time if same has not been complied with, the City Clerk shall have the work done and the Petitioner shall be billed the cost thereof, plus twenty-five percent (25%).

- 7. In all cases where a Permit is issued authorizing the cutting, tearing up, removing or repairing of any said streets, alley or public ways, the person to which such Permit is issued shall, as soon as the work for which the Permit was issued is completed, and the earth portion of the excavation or opening is ready to be refilled, notify the Commissioner of Streets and Alleys or such person as may be designated by him, shall inspect the excavation and direct the work of refilling or repairing or restoring the said street, alley, or public way. The paving or sidewalk or surface course of a stabilized roadway shall be of the same type as that which was removed or disturbed and the surface thereof shall be restored to a condition equally as good as it was before being disturbed.

- 8. Any of the deadlines set forth hereinabove can be extended for a reasonable period of time upon mutual agreement of the City and the Petitioner. In the event that the Petitioner shall not be able to complete the work by the set deadline, they shall within seven (7) days prior to the expiration of the deadline request in writing to the City a reasonable extension of the deadline setting forth the reasons why the Petitioner has been unable to meet the deadline. The City's consent to the extension of a deadline shall not be unreasonably withheld by the City. A new deadline agreed upon by the parties shall be set forth in writing.

Petitioner

STREET AND ALLEY PERMIT

Pursuant to the above Petition, permission is hereby granted Petitioner this _____ day of _____, 19____, to proceed with the foregoing work.

This Permit will expire _____ days from the above date.

Recommended:

City Clerk

By: _____
 Street and Alley Commissioner
 City of Altamont, Illinois

SIDEWALK CONSTRUCTION AGREEMENT

DATE _____

PROPERTY OWNER NAME: _____

Location of property for which sidewalk fronting is requested:

Lot: _____ Block: _____

_____, Altamont, Illinois

Approximate front footage: _____

I, the undersigned property owner, hereby make application to the City of Altamont for the construction of a sidewalk fronting my property on: _____

The sidewalk is to be four (4) feet wide, four (4) inches thick (using 5 bag mix, no reinforcing mesh) and approximately _____ lineal feet in length, and consisting of approximately _____ yards of concrete at the current price of \$_____ per yard. I agree that the City shall order the material and bill me for the same. All labor necessary for this construction shall be paid by the City of Altamont. It is further understood by the undersigned that, if payment is not made to the City of Altamont within 30 days after billing, I shall be responsible, in addition to the amount of the materials, for interest at the rate of 1 1/2 percent per month on the unpaid balance due the City of Altamont and shall further be responsible for any costs of collection incurred by the City of Altamont including attorney fees and court costs. I further agree that the City may file a lien against my property for the unpaid balance due to the City including such costs of collection.

Property Owner

CITY OF ALTAMONT

BY: _____

ATTEST:

EXCAVATION PERMIT

NAME _____

FIRM NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

LOCATION OF PROPOSED EXCAVATION _____

NATURE OF EXCAVATION _____

BONDING COMPANY:

NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

AMOUNT OF BOND \$ _____

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

(Applicant's Signature)

APPLICATION FOR CULVERT/DRIVEWAY PERMIT

I, _____, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the City in accordance with the information provided on this application and the accompanying sketch. (**Applicant must prepare a sketch showing location, length and pertinent details.**)

ADDRESS: _____

Pipe material will be: _____

Wall thickness or gauge will be: _____

Type of joint will be: _____

DATED: _____, 19__ SIGNED: _____
(APPLICANT)

CULVERT PERMIT

APPLICATION **Approved ()** **Disapproved ()**

If disapproved, state reasons:

DATED: _____, 19__ SIGNED: _____
CITY OF ALTAMONT

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: _____, 19__ SIGNED: _____
CITY OF ALTAMONT

CHAPTER 34

SUBDIVISION CODE

ARTICLE 1

GENERAL PROVISIONS

34-1-1 **TITLE.** These regulations shall be known as and may be referred to as the Subdivision Code.

34-1-2 **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, Sec. 205/1 et seq.**) this Code regulates the subdivision and development of land. Thus this Code assists in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
- (C) to establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (D) to conserve and increase the value of land, improvements, and buildings throughout the City;
- (E) to preserve the natural beauty and topography of the City to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- (F) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (G) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
- (H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- (I) to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
- (J) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

34-1-3 **JURISDICTION.** The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statutes, ordinances or regulations of the governmental body

or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the City and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the City.

34-1-4 **INSTANCES WHEN PLATS WILL NOT BE REQUIRED.** The provision of these regulations do not apply and no plat is required in any of the following instances:

- (A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or add special utility easements;
- (B) the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or add special utility easements;
- (C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;
- (D) the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or add special utility easements;
- (E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- (F) conveyance made to correct description in prior conveyances;
- (G) the sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land recorded on or before **July 17, 1959** and not involving any new streets or easements of access or add special utility easements;
- (H) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or add special utility easements;
- (I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

34-1-5 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the City's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

34-1-6 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the City shall render himself personally liable for any damage that may

accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)

(B) Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

34-1-7 **REVIEW AND EXPIRATION.** This Code shall be reviewed by the Plan Commission every **ten (10) years** for necessary amendments.

ARTICLE II

DEFINITIONS

34-2-1 **INTERPRETATION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in Section 34-2-2; terms not defined in Section 34-2-2 shall have the meanings respectively ascribed to them in the City's Zoning Code; if any term is not defined either in Section 34-2-2 or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word "shall" is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

34-2-2 **SELECTED DEFINITIONS.**

Administrator: The official appointed by the Mayor and the City Council to administer the Subdivision and Development Code.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

Amendment: A change in the provisions of this code, properly effected in accordance with State law and the procedures set forth herein.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: See Setback Line.

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

Centerline:

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Cluster Development: A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Subdivision Code and the Zoning Code.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Common Land: That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

Comprehensive Plan: The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City's Comprehensive Plan may include, but

is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

Cross-slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

Dedicate: To transfer the ownership of a right-of-way, parcel of land, or improvement to the City or other appropriate government entity without compensation.

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, Net: The total number of dwelling units divided by the net acreage. See definition of Area, Net.

Design: The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code.

Drainageway: A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

Easement: A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Filing Date: The date that the applicant has filed the last item of required data or information with the City Clerk and has paid the necessary fees for review by the Plan Commission.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways.

Frontage: The lineal extent of the front (street-side) of a lot.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."

Hillside Area: An area with an average slope of **twenty percent (20%)** or more.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in Article V of the Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Plan Commission and the City Council.

Improvement Plans: The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans must include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

Inlet: A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic, and for access to abutting property, and on which the speed limit is low and the traffic volume minimal.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between **two (2) corner lots**.

Lot, Corner: A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Maintenance Bond: A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the one-year period following their dedication.

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Official Map: A graphic statement of the existing and proposed capital improvements planned by the City which require the acquisition of land--such as streets, drainage systems, parks, etc.

Owner: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Lane: An auxiliary lane of a street and primarily used for vehicular parking.

Pedestrian Way: A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

Performance Bond: A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Person: Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

Plan Commission: The Plan Commission of the City.

Planned Unit Development (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained herein.

Plans: All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the City for consideration, approval or disapproval.

Plat, Final: The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Project Area: That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the City or other appropriate government entity for public purposes.

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision: See Subdivision.

Retention Area: An area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies (**See Section 5-16.4**).

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

Setback Line: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

Soil and Water Conservation District: The County Soil and Water Conservation District.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only **one (1) end** open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are not permitted in any proposed subdivision.

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground, or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

Topography: The relief features or surface configuration of an area of land.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Vacate: To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

Variance, Subdivision: A relaxation in the strict application of the design and improvement standards set forth in this Code.

Yard, Front: A yard extending across the full width of the lot, the depth of which is set forth in the Zoning Code.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Code: The Zoning Code of the City.

ARTICLE III

PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

34-3-1 **GENERAL PROCEDURE.** Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Plan Commission and/or the City Planner to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the City Clerk's office, who, in turn, will forward the same to the Plan Commission for their review. Following its review (as well as comments from other appropriate agencies when required), the Plan Commission forwards its recommendation(s) to the City Council, who then either approve, disapprove, or approve with modifications the preliminary plat.

34-3-2 **FILING PROCEDURE.** Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the City Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Administrator. (See 70 ILCS Sec. 405/22.02A)

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8** and the provisions of the subsections below.

EXCEPTION: The provision of this section shall not apply to:

- (A) minor subdivisions as defined at Section 34-2-2; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. (See 765 ILCS Sec. 205/1(B)).

34-3-3 **INFORMATION REQUIRED.** Every preliminary plat shall be prepared by an Illinois Registered Land Surveyor at any scale from **one inch equals twenty feet (1" = 20')** through **one inch equals one hundred feet (1" = 100')** provided the resultant drawing does not exceed **thirty-six (36) inches square.**

(A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within **three hundred (300) feet** of the proposed subdivision;

(B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;

- (C) proposed name of the subdivision;
- (D) zoning district classification of the tract to be subdivided, and of the adjacent land;
- (E) north arrow, graphic scale, and date of map;
- (F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;
- (G) all lot lines adjacent to and abutting the subdivision;
- (H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;
- (I) topography of the tract to be subdivided as indicated by **two- (2) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five- (5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten- (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
- (J) any proposed alteration, adjustment or change in the elevation or topography of any area;
- (K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
- (L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;
- (M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;
- (N) locations, widths, and purposes of all existing and proposed easements;
- (O) a copy of the description of all proposed deed restrictions and covenants;
- (P) location and size of existing and proposed sanitary and storm sewers;
- (Q) locations, types, and approximate sizes of all other existing and proposed utilities;
- (R) building setback or front yard lines and dimensions;
- (S) locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (T) locations, dimensions, and areas of all proposed or existing lots within the subdivision;
- (U) information as defined in Section 34-3-4(A).

34-3-4 PLAN COMMISSION ACTION. The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approved the preliminary plat, they shall inform the City Council that action can be taken at the next regularly scheduled City Council meeting.

(A) **Notice of Meeting.** The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

- (1) Any person requesting notification of the meeting.
- (2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the City Clerk's office when filing the plat.
- (3) Any governmental or taxing body which requests notification of the meeting.

34-3-5 **REVIEW BY CITY COUNCIL; TIME CONSTRAINTS.** The City Council shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within **thirty (30) days** after its next regularly scheduled meeting following receipt of the written Plan Commission recommendations, unless variances from Zoning Code requirements are needed, in which case, the City Council's **thirty (30) days** commence the day after the Council of Appeals hearing is held, as required by the Zoning Code.

If the City Council rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be sent to the subdivider by return receipt mail.

34-3-6 **RIGHTS AND PRIVILEGES OF SUBDIVIDER.** Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

(A) That the preliminary plat will remain in effect for a **one (1) year** period from the day the City Council approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the City Council, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area or **five (5) gross acres**.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the City Engineer and approved by the City Council, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to City improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the City Clerk's office at the time that the final plat is submitted.

34-3-7 **RESERVED.**

DIVISION II - IMPROVEMENT PLANS

34-3-8 **SUBMISSION OF PLANS.** After the City Council has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **six (6) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the City Clerk, pay all associated filing fees before review by the City Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the City Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

- (A) the Administrator shall not issue any building permit to allow construction of said improvements; and
- (B) the City Council shall not act upon the application for final plat approval.

34-3-9 **INFORMATION REQUIRED.** Improvements plans shall consist of black or blue line prints not larger than **thirty-six (36) inches square**. These plans and the related specifications shall provide all of the following information:

- (A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;
- (B) existing and proposed elevations along the centerline of all streets;
- (C) radii of all curves and lengths of tangents on all streets;
- (D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
- (E) locations and typical cross-section of sidewalks and driveway aprons;
- (F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- (G) locations and sizes of all water, gas, electric, and other utilities;
- (H) locations of street lighting standards and street signs;
- (I) one or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;
- (J) all proposed measures to control erosion and sedimentation;
- (K) high water elevations of all lakes/streams adjoining or within the tract;
- (L) such other information as the City Engineer may reasonably require to perform his duties under this section; and
- (M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.

34-3-10 **INSPECTIONS REQUIRED.** The subdivider/developer shall notify the Administrator and the Building Commissioner of both the start and completion of construction.

- (A) The Building Commissioner shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.

(B) The Building Commissioner and City Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Building Commissioner and Engineer have stated in writing that it complies with this Code.

34-3-11 FILING "AS-BUILT" RECORDS.

(A) The subdivider/developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positive showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.

(B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall City map(s); street, sewer, water, stormwater;

(C) If the Administrator finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

34-3-12 RESERVED.

DIVISION III

**ASSURANCE FOR COMPLETION OF
REQUIRED IMPROVEMENTS**

34-3-13 APPROVAL OF FINAL PLAT - IMPROVEMENTS. The City Council shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvements plan have been completed by the subdivider/developer at his expense, inspected by the Building Commissioner and Engineer, and dedicated to this municipality or other appropriate entity; or

(B) in accordance with the subsections below, the subdivider/developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

34-3-14 FORMS OF ASSURANCE. At the option of the City Council, the required legal assurance may be either a performance bond or an escrow deposit. Every performance bond shall be reviewed by the City Attorney, and posted with the City Clerk. Any funds to be held in escrow shall be deposited with the City Clerk.

34-3-15 AMOUNT OF BOND OR DEPOSIT. The amount of the performance bond or escrow deposit shall be equal to the City Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Any escrow deposit may be in the form of:

- (A) cash;
- (B) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand; or
- (C) certificates of deposit, treasury bills, or other readily negotiable instruments approved by the City Clerk, and made payable to this municipality.

34-3-16 **ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the City Clerk. The Clerk shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this municipality's jurisdiction.

34-3-17 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Plan Commission, with the advice and consent of the City Council, may either extend said bond/escrow agreement for **one (1) year** only, or may proceed as per **Section 34-3-19**.

34-3-18 **RELEASE OF BOND/ESCROW DEPOSIT.**

(A) The City Clerk may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Building Commissioner. The amount which the Building Commissioner authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond/escrow deposit shall not be released by the City Clerk until:

- (1) the Building Commissioner has certified to the Administrator in writing that all required improvements have been satisfactorily completed; and
- (2) said improvements have been accepted by and dedicated to this City or other appropriate entity.

34-3-19 **FAILURE TO COMPLETE IMPROVEMENTS.** If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Administrator, with the assistance of the City Attorney, may:

(A) require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or

(B) order the City Clerk to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or

(C) require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

34-3-20 - 34-3-21 **RESERVED.**

DIVISION IV - FINAL PLATS

34-3-22 **CITY COUNCIL APPROVAL.** The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the subsections below.

34-3-23 **FILING, TIME LIMITS.** The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the City Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one-year periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the City is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the City Council and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within **sixty (60) days** after the City Council has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the City Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within **twenty (20) days** of such action.

34-3-24 **INFORMATION REQUIRED.** Every final plat shall be prepared by a land surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet equals one (1) inch**, provided that the resultant drawing shall not exceed **thirty-six (36) inches square**. The final plat and supporting data shall portray/provide all of the following information:

- (A) north arrow, graphic scale, and date;
- (B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;
- (C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;
- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
- (E) all dimensions shall be shown in feet and decimals of a foot;
- (F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;
- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;

- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);
- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

34-3-25 **CERTIFICATES REQUIRED.** As required by State law (**Ill. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8**), the following certificates shall be executed on the final plat:

(A)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this ___ day of _____, 19__.

_____ (Seal)

_____ (Seal)

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 19__.

Notary Public

(C)

SURVEYOR'S CERTIFICATE

I, _____, an Illinois Registered Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____ for the purpose of subdividing the tract into lots as shown.

Land Surveyor

Illinois Registration Number

Date

(D)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of _____ County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(E)

CERTIFICATE OF CITY COUNCIL

I, _____, Mayor of the City, do hereby certify that the plat shown herein was duly presented to the City Council and approved at a meeting of same held on ____ (date) ____.

Mayor

City Clerk

(F)

FLOOD HAZARD CERTIFICATE

We, the undersigned, do hereby certify that no part of this plat to be recorded, is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more, or, if this plat is within **five hundred (500) feet** of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the County Recorder of Deeds.

By:
Owner(s)

By:
Illinois Land Surveyor

Registration Number

Date

34-3-26 **ADMINISTRATIVE REVIEW, ADVISORY REPORT.** Within **thirty (30) days** from the date of application for Final Plat approval, the Building Commissioner and the Administrator shall review said Final Plat (and supporting data), and shall each advise the City Council in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to said report (should they so desire), and forward same to the City Council.

34-3-27 **ACTION BY CITY COUNCIL.** The City Council shall either approve or disapprove the application for Final Plat approval by resolution within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Council and the subdivider mutually agree to extend this time limit. The City Council shall not approve any Final Plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat; and
- (B) the final plat manifests substantial compliance with the design and improvements standards of this Code, Zoning Code, and the Official Map; and
- (C) to the Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (D) either of the following has been met:
 - (1) all required improvements have been completed, inspected, accepted, and dedicated; or
 - (2) the subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.

If the City Council disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider.

34-3-28 **CHANGES IN APPROVED FINAL PLATS.** Once a Final Plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review.

34-3-29 - 34-3-34 **RESERVED.**

DIVISION V - MAINTENANCE OF IMPROVEMENTS

34-3-35 **SUBDIVIDER'S RESPONSIBILITIES.** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity.

34-3-36 **MAINTENANCE BOND.** Prior to dedication, the subdivider/developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount determined by the Building Commissioner to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **one (1) year** from the date of their acceptance and dedication. If at any time during the one-year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Building Commissioner, the City shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the one-year period, the maintenance bond shall be released.

DIVISION VI - VACATION OF PLATS

34-3-37 **VACATION OF PLATS.** In accordance with State law (**Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Council in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.

ARTICLE IV

ADMINISTRATIVE PROCEDURES

34-4-1 **ENFORCEMENT OFFICER, DUTIES.** The Enforcement Officer, referred to herein as the Administrator, is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

- (A) to review and forward preliminary plats to the Plan Commission (See Art. III; Div. I);
- (B) to transmit improvements plans to the City Engineer for his review (See Art. III; Div. II);
- (C) to review and forward final plats to the City Council (See Sec. 34-3-23);
- (D) to issue stop orders as necessary when the Building Commissioner or City Engineer determines that approved improvements are being constructed in violation of this Code (See Sec. 34-3-10);
- (E) to pursue actions authorized at Section 34-3-19 when a developer fails to complete required improvements;
- (F) to evaluate and pass upon proposed changes in approved final plats (See Sec. 34-3-28);
- (G) to review and forward applications for subdivision variances to the Plan Commission (See Sec. 34-4-2);
- (H) to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements (See Sec. 34-3-11), final plats, variances, and amendments; and
- (I) to provide information to subdividers/developers and to the general public on matters related to this Code.

34-4-2 **SUBDIVISION VARIANCES.** Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the Administrator at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.

34-4-3 **REVIEW BY PLAN COMMISSION.** The Plan Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the City Council together with their recommendation on preliminary plat approval (See Sec. 34-3-2). The Plan Commission's advisory report shall be responsive to all the variances standards set forth in Section 34-4-4.

34-4-4 **ACTION BY CITY COUNCIL, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat approval (**See Sec. 34-3-3**), the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

- (A) the proposed variance is consistent with the general purposes of this Code (**See Sec. 34-1-1**); and
- (B) strict application of the subdivision requirements (**See Article V**) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and
- (C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
- (D) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and
- (F) the variance, if granted, will not materially frustrate implementation of the municipal comprehensive plan including the Official Map.

34-4-5 **AMENDMENTS.** Amendments to this Code may be proposed by the Administrator, any member of the City Council, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make, to the Plan Commission for a public hearing.

(A) **Public Hearing, Notice.** The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within this municipality.

(B) **Advisory Report, Action by City Council.** Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-4-6 **SCHEDULE OF FEES.**

(A) The review for the preliminary plat shall be **Fifty Dollars (\$50.00)**, plus **Five Dollars (\$5.00)** per lot.

(B) The final plat fee shall be **Fifty Dollars (\$50.00)** is no variation from the preliminary plat, otherwise **Fifty Dollars (\$50.00)**, plus **Five Dollars (\$5.00)** per lot whenever Plan Commission review is required.

(C) Improvement Plan review and inspection fee shall be **one percent (1%)** of the total opinion of probable cost for all improvements as determined by the City Engineer or by the total of all certified contracts for all work related to improvements.

34-4-7 **FEES: TIME OF PAYMENT.** All fees listed in **Section 34-4-6** shall be paid by the subdivider/developer or the applicant to the City Clerk's office at the time of submission of documents.

ARTICLE V

DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

34-5-1 **APPLICABILITY OF ARTICLE.** No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. (See III. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.) No lot in any subdivision shall be conveyed until:

(A) the final plat of said subdivision has been approved by the City Council and recorded in the office of the County Recorder of Deeds; and

(B) the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Building Commissioner shall not issue a building permit for any lot conveyed in violation of this section.

34-5-2 **SUITABILITY FOR DEVELOPMENT GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

34-5-3 **RESERVED.**

DIVISION II - LOT REQUIREMENTS

34-5-4 **CONFORMITY WITH ZONING.** All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

34-5-5 **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

34-5-6 **REFERENCE MONUMENTS.** Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. (**Ill. Comp. Stats., Chap. 765, Sec. 205/1.**) All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than **twenty-four (24) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one-half (0.5) inch**.

DIVISION III - STREET DESIGN STANDARDS

34-5-7 **PLAN INTEGRATION.** All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in **Table 5-A**.

34-5-8 **RIGHT-OF-WAY AND PAVEMENT WIDTHS.** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in **Table 5-A**.

34-5-9 **TOPOGRAPHICAL CONSIDERATIONS.** Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

34-5-10 **THROUGH TRAFFIC DISCOURAGED.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

34-5-11 **LIMITED ACCESS TO ARTERIALS.** Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the City Council that access to said arterial street be limited by one of the following means:

- (A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;
- (B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or
- (C) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

34-5-12 **DEAD-END STREETS.**

(A) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the City's Official Map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of **fifty (50) feet** and a minimum pavement radius of **forty-two (42) feet**, shall be provided at the end of every permanent dead-end street.

34-5-13 **INTERSECTIONS.**

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125') feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

(D) **Curb Radii.** To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be **twenty (20) feet**, and the minimum radius at the back of the curb shall be **thirty-two (32) feet**.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

34-5-14 REVERSE CURVES. A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local collector and collector streets (see **Figure 2**).

34-5-15 IMPROVEMENTS TO EXISTING STREETS. Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-5-21** et seq., and pay one-half the cost of said improvements.

34-5-16 WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

- (A) due to topography, additional width is necessary to provide adequate earth slopes; or
- (B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

34-5-17 - 34-5-19 RESERVED.

DIVISION IV - STREET IMPROVEMENT STANDARDS

34-5-20 DEVELOPER'S EXPENSE. All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. All streets shall be graded as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to **IDOT Roads and Bridges Standard Specifications** as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) **Grading Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) **Street Construction Standards.** All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete gutter, in accordance with the following criteria.

- (1) Collector street pavements shall be provided with a bituminous surface of **one and one-half (1 1/2) inches** of bituminous concrete binder and **one and one-half (1 1/2) inches** of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of **six (6) inches** compacted. The center **forty (40) feet** of the base course shall have a crown of **three (3) inches**.
- (2) Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of **seven (7) inches** compacted. An A-3 surface treatment shall be applied in accordance with the “**Standard Specifications for Road and Bridge Construction of the State of Illinois, Department of Transportation**”.
- (3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and subbase as to compaction and thickness of the base by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction based on percent of optimum density.
- (4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained.

(D) **Alleys.** Alleys where permitted or required, shall be constructed as specified for local streets.

(E) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

34-5-21 CURB AND GUTTER. All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete V-type gutter in accordance with the dimensions and specifications shown, therefor, in the Appendices. Only vertical curb and gutter shall be constructed in Industrial Streets. The materials and construction methods for curb and/or gutter shall conform with **IDOT Roads and Bridges Standard Specifications**.

34-5-22 MAINTENANCE RESPONSIBILITY. Subsequent to completion of street construction by the subdivider, the City Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the City shall take formal action to accept the completed streets for maintenance based upon the Engineer’s recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) will be accepted in a subdivision until all streets comply with the City’s requirements to the satisfaction of the City Engineer. In addition, the developer will be required to provide a guarantee in the form of a Surety Bond in the amount of **Ten Thousand Dollars (\$10,000.00)** for a period of **three (3) years**.

34-5-23 - 34-5-24 RESERVED.

DIVISION V - BLOCKS

34-5-25 **BLOCK WIDTH.** Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

34-5-26 **BLOCK LENGTH.** No block shall be longer than **one thousand four hundred (1,400) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

34-5-27 **CROSSWALKS.** Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

34-5-28 **RESERVED.**

DIVISION VI - SIDEWALKS

34-5-29 **REQUIRED.** Sidewalks shall be required:

- (A) on the recommendation of the Plan Commission that, sidewalks are needed to ensure public safety;
- (B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Plan Commission advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet IDOT Roads and Bridges Standard Specifications.

34-5-30 **SIDEWALK CONSTRUCTION STANDARDS.**

- (A) **Relationship to Curb.** The street-side edge of every sidewalk shall either abut the curb or be located at least **six (6) feet** from the curb to allow sufficient space for tree planting.
- (B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.
- (C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.
- (D) **Grade.** No sidewalk shall be constructed at a grade steeper than **six percent (6%)**.
- (E) **Ramps at Intersections.** When sidewalks are required curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

34-5-31 **RESERVED.**

DIVISION VII - STREETLIGHTS

34-5-32 **INTERSECTION LIGHTING.** Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

34-5-33 **STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Building Commissioner and the appropriate electric utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a **175 watt lamp** or **6800 mercury luminary lamp**. Each streetlight standard (post) shall be at least **sixteen (16) feet** high.

34-5-34 **RESERVED.**

DIVISION VIII - STREET NAME SIGNS

34-5-35 **SPECIFICATIONS.** Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The City Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name. (See Ch. 33 - Streets)

34-5-36 **RESERVED.**

DIVISION IX - UTILITIES

34-5-37 **UTILITY LOCATION AND EASEMENTS REQUIRED.** At locations within the subdivision where utilities and drainage facilities are not to be constructed within public rights-of-way, the subdivider shall make provision for easements for such installations. Preliminary plats shall be submitted to the electric, gas, and telephone companies for their input regarding utility easements.

34-5-38 **UTILITY EASEMENTS.** Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **twenty (20) feet** wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

34-5-39 **DRAINAGE EASEMENTS.** Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the City Engineer.

34-5-40 **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

34-5-41 **RESERVED.**

DIVISION X - WATER FACILITIES

34-5-42 **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **six (6) inches** in diameter.

34-5-43 **FIRE HYDRANTS.** Fire hydrants of the type approved by the Water and Sewer Superintendent shall be installed in every subdivision as part of the water distribution system. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than **four hundred (400) feet**.

34-5-44 **RESERVED.**

DIVISION XI - SANITARY SEWERS

34-5-45 **COMPLIANCE WITH REGULATIONS.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by the City Council. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 4th Edition, or as amended.

34-5-46 **WHEN PUBLIC SYSTEM PLANNED.** In areas where the public sanitary sewerage system is not reasonably accessible but where plans for the installation of said system have been approved by the Illinois Environmental Protection Agency, sanitary sewers shall be provided in accordance with such plans and temporarily capped. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed, or individual sewage disposal systems may be used.

34-5-47 - 34-5-48 **RESERVED.**

DIVISION XII - DRAINAGE AND STORM SEWERS

34-5-49 **PURPOSE AND INTENT.** It is the policy of the City to protect and promote the public health, safety and general welfare. The criteria for storm water detention will reduce the possibility of damage to public and private property, will reduce the erosion on land and creek channels, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the City. This criteria provides uniform procedures for designing and checking the design of storm drainage detention systems.

The Plan Commission shall not recommend the approval of any plat unless, after consultation with the City Engineer, they determine that the proposed provisions for storm water drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system.

34-5-50 **SPECIAL DEFINITIONS.**

(A) **Development.** Any activity, including subdivisions, that alters the surface of the land to create additional impervious surfaces including, but not limited to, pavement, buildings, and structures except:

- (1) Additions to, improvements and repair of existing single-family and duplex dwellings.
- (2) Construction of any buildings, structures, and/or appurtenant service roads, drives, and walks on a site having previously provided storm water control as part of a larger unit of development consistent with the original development plan.
- (3) Remodeling, repair, replacement, and improvements to any existing structure or facility and appurtenances that does not increase the impervious area on the site in excess of **ten percent (10%)** or add one acre of impervious area.
- (4) Construction of any one new single-family or duplex dwelling unit, irrespective of the site area on which the same may be situated.

(B) **Emergency Spillway.** A device or devices used to discharge water under conditions of inflow that exceed the design inflow. The emergency spillway functions primarily to prevent damage to the detention facility that would permit the sudden release of impounded water. It shall be designed to handle the runoff from a 100-year storm.

(C) **Freeboard.** The difference in elevation between the top of a structure such as a dam or open channel and the maximum design water surface elevation or high water mark and is an allowance against overtopping by waves or other transient disturbances.

(D) **Principal Spillway.** A device such as an inlet, pipe, weir, etc., to discharge water during operation of the facility under the conditions of a **fifteen (15) year** or less return frequency of the existing conditions, before the proposed development.

(E) **Private Detention Facility.** Any detention facility located on and controlling discharge from a site wholly owned and controlled by one owner and not platted for future subdivision of ownership. Also, all facilities incorporating detention storage of storm water in or on any of the following:

- (1) Roofs of buildings or structures also used for other purposes.
- (2) Paved or surfaced areas also used for other purposes.
- (3) Enclosed underground pipes or structures on private property when the surface is used for other purposes.

(F) **Public Detention Facility.** Any detention facility controlling discharge from a tributary area owned by more than one owner and/or platted for future subdivision of ownership, except as defined as a private detention facility herein.

(G) **Rational Method.** An empirical formula for calculating peak rates of runoff resulting from rainfall.

(H) Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control Manual, March 1982 (IPSUSESCM).

(I) **Tributary Area.** All land draining to the point of consideration, regardless of ownership.

34-5-51 **RESERVED.**

DIVISION XIII - GENERAL GUIDELINES

34-5-52 **APPLICABILITY.** This Code shall apply to all development within the limits of the City. Residential developments having a total area of less than **five (5) acres**, and commercial or industrial developments having a total area of less than **two (2) acres**, may be given a waiver by the City in accordance with **Section 34-4-4** of this Code, subject to the following conditions.

(A) The City retains the right to require detention storage in all cases in which the proposed development will generate excess runoff that adversely affects the carrying capacity of the receiving watercourse.

(B) Developments less than **two (2) acres** with less than **thirty percent (30%)** of the area paved and developments generating less than one cubic foot per second (CFS)/acre increased runoff shall not be required to provide detention storage, unless conditions (A) is applicable.

(C) This Code shall apply for all newly platted areas and new developments proposed after the date of passage of this Code. All development that have an approved preliminary plan by the Plan Commission at the time of the approval of this Code will not have to conform to this Code.

34-5-53 **AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST.** The effective acreage for a site is not limited to a fractional part of the total. If a project is developed in phases or small plats, the total acreage of the project site must be considered. At the time the owner of any development submits a preliminary plat or preliminary plan, he shall also identify to the City all contiguous property or property in the watershed that he has interest in.

34-5-54 **METHOD OF EVALUATION.** The storage capacity and discharge rate shall be based upon the calculated volume and peak flow of the storm water runoff, respectively. The calculations for sites having an area of **one hundred (100) acres** or less shall be made using either the Illinois Manual for Soil Erosion and Sedimentation Control Method or the Rational Method. If the site is larger than **one hundred (100) acres** then the Engineer shall use the Illinois Manual for Soil Erosion and Sedimentation Control Method or if another method is desired to be used, the Engineer shall submit a proposed method of evaluation for the calculations for review and approval. The permitted discharge rate of storm water runoff shall be determined by calculating the rate of runoff for the site's pre- and post-development conditions. The Engineer shall determine the most critical storm looking at three different time periods: 1) the time of concentration, 2) a one hour storm and 3) a 24-hour storm.

34-5-55 **DETENTION OF DIFFERENTIAL RUNOFF.** All new developments shall provide a storm water system that insures that the rate of flow of storm water runoff discharged from the site after development does not exceed the rate of flow of storm water runoff discharged from the site before development of a 25-year storm, unless given a waiver by the City in accordance with **Section 34-4-4** of this Code. Data shall be submitted for the 15-, 25-, and 100-year frequency storm.

34-5-56 **FLOWS FROM UPSTREAM AREAS.** Flows from upstream areas outside the site should be based upon the assumption that those areas are fully developed under forecast land use patterns. The required storage volume will be based upon the site only, with flows from upstream areas being by-passed or discharged via overflow spillways or other devices for the 100-year storm.

34-5-57 **FACILITIES IN FLOODPLAINS.** If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the base flood at that location unless compensatory storage is also provided. Where encroachments in the existing floodplain fill the valley storage areas, an equal amount of detention volume shall be provided.

34-5-58 **LAND CREDIT FOR DETENTION FACILITIES.** The number of units/lots shall be based on the total area of the tract to be developed. All areas to be used as detention facilities shall be included in this total area.

34-5-59 **RESERVED.**

DIVISION XIV - DESIGN CRITERIA

34-5-60 **GENERAL REQUIREMENTS.** The design shall be accomplished under the direction of a Registered Professional Engineer. The design shall also be based on land use in the tributary area as zoned, actually developed, or indicated by an adopted future land use plan, whichever basis produces the greatest runoff.

34-5-61 **OTHER REFERENCES.** Other agencies have criteria and regulations pertaining to drainage systems which may complement this criteria. When conflicts are encountered the most rigorous criteria shall govern.

(A) **Federal Insurance Agency.** Floodplain Regulations and Implementing Ordinances Adopted by Municipalities: Drainage systems designed within the limits of the designated 100-year floodplain on the principal stream shall be designed to convey the flood as defined by applicable published

floodplain information studies. For areas located in FIA Zone "A" outside the detailed study area, the developer shall prepare studies and calculations establishing the floodplain, elevation and width. These calculations shall be submitted to the reviewing agency for approval.

(B) **Illinois Department of Water Resources.** Rules and Regulations of Dams and Reservoirs shall apply to those structures classified as dams thereunder.

34-5-62 **STORM WATER RUNOFF.** The design criteria used in determining the amount of runoff shall be the same as set out in **Section 34-5-49** of this Code.

34-5-63 **HYDRAULIC CONSIDERATIONS FOR DETENTION STORAGE.**

(A) **Principal Spillways.** Shall be designed to meet the following requirements:

- (1) The principal spillway shall be designed to function without requiring attendance or operation of any kind or requiring use of equipment or tools.
- (2) All discharge from the detention facility when inflow is equal to or less than the 100-year inflow shall be via the principal spillway(s).
- (3) The design shall allow for discharge of at least **eighty percent (80%)** of the detention storage volume within **twenty-four (24) hours** after the peak or center of mass of the inflow has entered the detention basin. On basins less than **one hundred (100) acres**, this shall not apply.
- (4) The design discharge rate via the spillway shall continuously increase with increasing head and shall have hydraulic characteristics similar to weirs, orifices or pipes.

(B) **Emergency Spillways.** The emergency spillway shall be provided to pass a 100-year storm without damaging any property and, where applicable, designed to Illinois Department of Water Resources Dam Safety Requirements.

(C) **Outlet Works.** Shall have an outlet works consisting of valves, gates, pipes, and other devices as necessary to completely drain the facility in **seventy-two (72) hours** or less when required for maintenance or inspection on normally wet basins.

(D) **Sediment Storage.** Shall be designed to provide for **five (5) years** of sediment accumulation calculated by using Figure 1. All other detention facilities shall provide storage for **two (2) years** of sediment accumulation by using Figure 1, except for those using roofs of buildings, paved parking areas or other facilities designed to preclude the deposition or accumulation of sediment. Sediment storage volume shall be in addition to the volume required for temporary storage of storm water to properly size the detention facility on normally wet basins.

(E) **Erosion Control.** Principal spillways and outlet works shall be designed to prevent erosion and if necessary equipped with energy dissipating devices to slow the water to normal velocity as called out in the IPSUSESC Manual. Special measures shall be taken by the developer to not permit sediment from filling the proposed detention basin during all construction of the proposed development.

(F) **Public Detention Facilities.** The owner shall dedicate the detention facility and easements as set forth upon completion of the one-year warranty period and approval by the City Engineer, except:

- (1) When multipurpose wet facilities are planned or are suitable for use for private aquatic recreation or for aesthetic enhancement of the owner's property.
- (2) When multipurpose dry facilities incorporate surface recreational improvements.

(G) **Private Detention Facilities.** Shall be designed requiring the same criteria as the public detention facilities.

The amount of easement shall be equal to the land occupied by the facility plus a **twenty (20) foot** wide strip around the perimeter of the highest elevation attained by the design storage volume, plus an excess easement **twenty (20) feet** in width between the facility and public street. This easement shall be shown as common ground or be dedicated to the trustees of the subdivision or owner of the property for the purpose of maintenance of the storm water detention facility.

A plan for perpetual maintenance and designating responsibility for the maintenance shall be provided for its continuing performance to the standards established by this criteria.

34-5-64 RESERVED.

DIVISION XV - PLAN REQUIREMENTS

34-5-65 PLAN REQUIREMENTS. The plan requirements shall be:

- (A) Elevation-area-capacity curves for the storage facility including notation of the storage volumes allocated to runoff, and permanent residual water storage for other uses (wet basins only).
- (B) Inflow hydrographs (detention volumes for rational method) for the 15-, 25-, and 100-year recurrence interval design storms.
- (C) Stage-discharge rating curves for each spillway and for combined spillway discharges.
- (D) Routing curves for the 15-year and all greater criteria recurrence interval design storms with time plotted as the abscissa and the following plotted as ordinates (this item is not required for the rational method):
 - (1) Cumulative inflow volume.
 - (2) Cumulative discharge.
 - (3) Stage elevation.

34-5-66 CONSTRUCTION ALTERNATIVES.

- (A) A developer shall build, as part of his development, a detention basin as required by this Code, unless the following sections apply.
- (B) Developers of adjacent tracts may combine to build one detention site large enough to meet the requirements of all the tracts of land with approval of the City. The basin shall be located in the same drainage basin.

(C) On-site detention will be required whenever increased runoff from the proposed development creates a hazard down stream as determined by the City Engineer.

34-5-67 **RESERVED.**

**DIVISION XVI - INSPECTION, MAINTENANCE AND
ACCEPTANCE BY CITY**

34-5-68 **INSPECTION.** The developer shall inspect or cause to be inspected, all storm water detention systems constructed within the City. Through such inspection reports the City Engineer shall ensure that the facilities under construction are being constructed in accordance with the approved plans for such development.

34-5-69 **MAINTENANCE.** Each owner of the property being developed has the responsibility and duty to properly operate and maintain any storm water management system which has not been accepted for maintenance by the City. The responsibility of maintenance of the system and subdivision projects shall remain with the developer until such time as the storm water management system escrow for such development has been released at the end of the one-year warranty period. Upon release of escrow, the maintenance responsibility shall be vested in the trustees of the subdivision by virtue of a trust indenture. Indenture of trusts shall clearly indicate resident responsibility for maintenance. All such privately owned maintained systems shall be subject to periodic inspections by the City Engineer or its representative. After an inspection by the City Engineer, he determines whether or not the conditions of the privately owned storm water detention system are safe and correct. Any cost incurred by the City, as a result of the City Engineer's actions, shall be attest against the owner(s) of the system.

34-5-70 **ACCEPTANCE.** Upon acceptance by the City Council, the storm water detention system may be dedicated to the City for perpetual maintenance. Any such system shall include adequate perpetual access and sufficient area for maintenance by the City personnel and vehicles.

34-5-71 **RESERVED.**

DIVISION XVII - PENALTIES FOR VIOLATION

34-5-72 **GENERAL.** Violation of the provisions of this Code or failure to comply with any of its requirements, including conditions and safeguards established shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.

34-5-73 **CORRECTIVE ACTIONS.** Nothing herein contained shall prevent the City from taking such other lawful actions as is necessary to forbid or remedy any violations. All such costs connected therewith shall accrue to the person or persons responsible.

34-5-74 **PENALTY.** Any person who violates this Code shall be subject to the penalty in **Section 1-1-20** in the Revised Code.

CHAPTER 35

TREE CODE

35-1-1 **TITLE.** This Chapter shall be known and may be cited as the Tree Code of the City of Altamont.

35-1-2 **DEFINITIONS.**

(A) **“Street Tree”** shall be defined as trees, shrubs, bushes and all other woods vegetation on land lying between property lines on either side of the streets, avenues, or roads within the City.

(B) **“City Personnel”** shall be any employee, agent, or contractor designated by the City Council to conduct specified tasks.

35-1-3 **PURPOSE AND INTENT.**

(A) **Purpose.** The purpose of this Chapter is to regulate the planting, maintenance, and removal of all street trees and shrubs in order to protect and promote the health, safety, and welfare of the citizens of Altamont.

(B) **Intent.** It is the intent of the City Council to encourage:

- (1) the planting of desirable tree species.
- (2) protection and restoration of the desirable tree species.
- (3) the protection of City residents from personal injury and property damage resulting from improper planting, maintenance, or removal of any street trees.

35-1-4 **ESTABLISHMENT OF A CITY TREE BOARD.** There is hereby created and established a City Tree Board for the City. The City Tree Board shall consist of **three (3) to five (5) members**. With the establishment of the first Board, **one (1) member** shall serve for **two (2) years** and the remaining members shall serve for **three (3) years**. The Mayor shall appoint all of the Tree Board members. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

35-1-5 **COMPENSATION, DUTIES AND RESPONSIBILITIES.**

(A) Members of the City Tree Board shall serve without compensation.

(B) It shall be the duty of the City Tree Board to meet a minimum of **two (2) times** annually. The City Tree Board shall be responsible for the review of the current forest management practices and make improvements and necessary changes in the planting, maintenance, and removal and disposal practices being conducted on street trees.

- (C) It shall be the responsibility of the City Tree Board to:
- (1) Review and/or issue permits required by this Chapter.
 - (2) Establish policies necessary in maintaining an effective plan for the care and preservation of all street trees.
 - (3) Choose its own officers and establish its own rules and regulations for conducting the business at hand.

35-1-6 **ACCEPTABLE STREET TREE SPECIES.** The following list constitutes the official Street Tree Species for Altamont, Illinois. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Large Trees (height over 50')

Shingle Oak	Quercus imbricaria
English Oak	Quercus robur
Pin Oak	Quercus palustris
Kentucky Coffee Tree (male only)	Gymnocladus dioicus
Ginkgo (male only)	Ginkgo biloba
Sweet Gum	Liquidambar straciflua
American Beech	Fagus grandifolia
Hackberry	Celtis occidentalis
Thornless Honeylocust	Gleditsia triacanthas inermis
London Plane Tree	Platanus acerifolia
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum

Medium Trees (height 30-40')

Crimean Linden	Tilia euchlora
Littleleaf Linden	Tilia cordata
Marshall Seedless Ash	Fraxinus pennsylvanica "Marshall seedless"
Hop Hornbeam	Ostrya virginiana
Amur Cork Tree	Phellodendron amurense
Black Gum	Nyssa sylvatica
Osage Orange (male only)	Maclura pomifera
Norway Maple	Acer platanoides

Small Trees (height less than 30')

Bradford Pear	Pyrus calleryana "Bradford"
Purpleleaf Plum	Prunus cerasifera
*Flowering Crab	Malvs Sp.
Goldenrain Tree	Koelreuteria paniculata
Amur Maple	Acer ginnala
Washington Hawthorn	Crataegus phaenopyrum
*Selected cultivars or varieties resistant to scab and rust diseases.	

35-1-7 PLANTING, SPACING, AND RESTRICTIONS. The spacing of Street Trees will be in accordance with the **three (3) species** size classes listed in **Section 35-1-6** of this Chapter, and no trees may be planted closer together than the following:

Small trees	30 feet
Medium trees	40 feet
Large trees	50 feet

Street Trees, in accordance with the **three (3) species** size classes listed in **Section 35-1-6** of this Code, shall not be planted closer to any curb or sidewalk than the following:

Small trees	2 feet
Medium trees	3 feet
Large trees	4 feet

No Street Tree shall be planted within **thirty-five (35) feet** of any street corner. No Street Trees shall be planted within **ten (10) feet** of any fire plug.

35-1-8 PROHIBITED TREES. The following undesirable tree species or their varieties shall not be planted on any City owned property as a Street Tree, except in special circumstances where because of characteristics of adaptability or landscape effect, they can be used to public advantage.

<u>Common Name</u>	<u>Botanical Name</u>
Silver Maple	Acer saccharinum
Catalpa	Catalpa speciosa
Chinese Elm	Ulmus chinensis
Cottonwood	Populus deltoides
Tree of Heaven	Ailanthus altissima
Willow	Salix sp.
Spruce	Picea sp.
Pines	Pinus sp.
Junipers	Juniperus sp.
Boxelder	Acer negundo
Mulberry	Morus Valba
Paper Birch	Betula papyrifera

35-1-9 PUBLIC TREE CARE. The City shall have the right to plant, prune, maintain, and remove all trees and plants designated within the City limits on City owned property.

The City and any of its agents may remove any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, gas lines, water lines, electric power lines, or other public improvements. The City or its agents may also cause any tree or part of a tree that is affected by any injurious fungus, insect, or disease pest.

35-1-10 PLANTING REGULATIONS.

(A) **Tree Size.** Trees when planted shall have a minimum size in accordance with the **three (3) species** size classes listed in **Section 35-1-6.**

- (1) **Small Trees** shall have a trunk diameter of **one to one and one-half (1-1 1/2) inches** (measured at ground level) or a minimum height of **four (4) feet.**
- (2) **Medium Trees** shall have a minimum trunk diameter of **one and one-half (1 1/2) inches** or a minimum height of **six (6) feet.**
- (3) **Large Trees** shall have a trunk diameter of **two (2) inches** or a minimum height of **six (6) feet.**

(B) Trees when planted shall be free of infectious disease or insect infestation.

(C) Trees shall be planted on the centerline of the parkways or in line with the existing row of trees.

(D) No tree shall be placed so as to cause a traffic hazard.

(E) All trees from **one and one-half (1 1/2) inches** in diameter or over **six (6) feet** tall at the time of planting must be protected and supported by tree guards (stakes). **Two (2) stakes** set at least **eight (8) to twelve (12) inches** away from the trunk of the tree. The tree guards should be maintained for a minimum of **two (2) years.**

35-1-11 INJURY TO STREET TREES. No person shall, without a written permit from the City Tree Maintenance Supervisor, in the case of a Street Tree do, or cause to be done by others, any of the following acts:

(A) Secure, fasten, or run any rope, wire, sign, unprotected electrical installation, or other device or material to, around, or through a tree or shrub.

(B) Break, injure, mutilate, deface, kill, or destroy or permit any fire to burn where it will injure any Street Tree.

(C) Permit any toxic chemical, gas smoke, salt, brine, oil, or other injurious substance to seep, drain, or be emptied upon or about any Street Tree.

(D) Erect, alter, repair, or raze any building or structure without placing suitable guard around all nearby public trees or shrubs which may be injured by such operations.

(E) Remove any guard, stake, or other device or material intended for the protection of a public tree.

35-1-12 **TREE TOPPING AND DEHORNING.** Tree Topping or Dehorning as a normal practice shall be prohibited. Topping shall be defined as the removal of the whole top of a tree for safety reasons or to prevent it from touching overhead wires. Dehorning shall be defined as the removal of all fine and medium sized branches over the entire tree crown.

Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Chapter at the discretion of the City Tree Board.

35-1-13 **REMOVAL OF STUMPS.** All stumps resulting from Street Tree removal shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. If possible, all tree stumps shall be removed no later than **thirty (30) days** following the removal of any Street Tree.

35-1-14 **PRUNING, CORNER CLEARANCE, AND OBSTRUCTION.** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the view of any street intersection or obstruct the light from any street lamp, and so that there shall be a clear space of **eight (8) feet** above the surface of the street or sidewalk. The City shall have the right to prune any tree on private property when it obstructs the spread of light from street lamps or interferes with the visibility of intersections or traffic control signs or interfere with any overhead electrical lines.

35-1-15 **VIOLATION AND PENALTY.** Any person, firm or corporation violating any provision of this Chapter shall be fined not less than **Ten Dollars (\$10.00)** nor more than **Five Hundred Dollars (\$500.00)** for each separate offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

35-1-16 **PRUNING STANDARDS.** All tree pruning and trimming of any Street Tree conducted by a City employee or contracted agent shall conform to the “Pruning Standards for Shade Trees” adopted by the National Arborist Association.

35-1-17 **ARBORISTS LICENSE AND BOND.** It shall be unlawful for any person or firm to engage in the business of pruning, treating, or removing Street trees unless they have first applied for and procured a license from the City of Altamont. Before any license shall be issued, each applicant shall file evidence of liability insurance in the minimum amounts of **Fifty Thousand Dollars (\$50,000.00)** for bodily injury and **One Hundred Thousand Dollars (\$100,000.00)** for property damage.

35-1-18 **CITY COUNCIL REVIEW.** The Altamont City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

(Ord. No. 191; 10-14-86)

CHAPTER 36

TAXATION

ARTICLE I - GENERAL TAXES

36-1-1 CORPORATE RATE. The maximum rate for general corporate purposes of the City be and the same is hereby established at a rate of **.25%**. (See **65 ILCS Sec. 5/8-3-1**)

36-1-2 MAXIMUM RATES ESTABLISHED. The maximum tax rates for the various purposes of the City of the full, fair, cash value as equalized or assessed by the Department of Revenue on all the taxable property within the City shall be as follows:

<u>FUND/PURPOSE</u>	<u>MAXIMUM RATE PER \$100.00 ASSESSED VALUATION</u>
City Park	\$.10
Emergency Service and Disaster Agency	\$.05
IMRF	\$ NO LIMIT
Library	\$.15
Police Protection	\$.075
Social Security	\$ NO LIMIT
Audit Fund	\$ NO LIMIT
Liability Insurance	\$ NO LIMIT
Unemployment Insurance	\$ NO LIMIT
Workmen's Compensation	\$ NO LIMIT

ARTICLE II

UTILITY TAX

36-2-1 **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of Altamont, and not for resale, at the rate of **three percent (3%)** of the gross receipts therefrom.

36-2-2 **EXCLUSIONS.** No tax is imposed by this Article with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made the subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, be subject to taxation under the provisions of this Article for such transactions as are or may become subject to taxation under the provisions of the "**Municipal Retailers' Occupation Tax Act**" authorized by **Chapter 65, Sec. 5/8-11-1, Illinois Compiled Statutes.**

36-2-3 **NO ADDITIONAL TAX.** Such tax shall be in addition to the payment of money or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

36-2-4 **DEFINITIONS.** For the purposes of this Article, the following definitions shall apply:

"GROSS RECEIPTS" means the consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, as the case may be and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

"PERSON" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator, or other representative appointed by order of any court.

36-2-5 **EFFECTIVE DATE.** This Article shall take effect after publication, and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the **first (1st) day of September, 1996.**

36-2-6 **REPORT BY TAXPAYER.** On or before the last day of September, 1996, each taxpayer shall make a return to the City Treasurer for the months of September, 1996, stating:

- (A) His name.
- (B) His principal place of business.
- (C) His gross receipts during those months upon the basis of which the tax is imposed.
- (D) Amount of tax.
- (E) Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every third month thereafter, each taxpayer shall make a like return to the City Treasurer for a corresponding **three (3) month** period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

36-2-7 **CREDIT FOR OVERPAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

36-2-8 **RECOVERY TIME LIMITS.** No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

(Ord. No. 283; 07-09-96)

897.10

[Supplement No. 4; 09-01-05]

ARTICLE III - HOTEL AND MOTEL TAX

36-3-1 **DEFINITIONS.** The terms "hotel" (which includes a motel), "operator", "occupancy", "room" or "rooms", "permanent resident", "rent" or "rental", "department", and "person" are hereby defined and shall have the meanings provided in 35 ILCS 145/2 as that section may be in force from time to time.

The term "**City**" shall mean and refer to the City of Altamont, an Illinois municipal corporation.

The term "**City Clerk**" shall mean and refer to the City Clerk of the City of Altamont, Illinois.

The term "**Treasurer**" shall mean and refer to the City Treasurer of the City of Altamont, Illinois.

The term "**return**" shall mean any return filed or required to be filed as provided in this Article.

36-3-2 **TAX.** There is hereby levied and imposed for the period commencing **June 1, 1997** through **December 31, 1998** a tax of **one percent (1%)** of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the City for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made, and there is further hereby levied and imposed for the period commencing **January 1, 1999** through **December 31, 2000** a tax of **one and one-half percent (1.5%)** of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the City for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made, and there if further hereby levied and imposed for the period commencing **January 1, 2001** and thereafter, a tax of **two percent (2%)** of the gross rental receipts from the renting, leasing or letting of a hotel or motel room within the City for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made; provided, however, that a tax shall not be levied or imposed upon any person who shall be a permanent resident. A permanent resident is hereby defined to be a person who rents a hotel or motel room in the same establishment for more than **thirty (30) consecutive days** or to a person who works and lives in the same hotel or motel.

Persons subject to the tax hereby imposed may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination and in single amount with the state tax imposed under "The Hotel Operators' Occupation Tax Act" as provided in **35 ILCS 145/1 et seq.**

The tax herein levied and imposed shall be paid in addition to any and all other taxes and charges. It shall be the duty of the operator to pay the amount of the tax to the City Clerk under procedures prescribed by the City Clerk or as otherwise provided in this Article.

36-3-3 **RECORDS TO BE KEPT.** Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as may be required by regulation prescribed by the City Clerk or as otherwise provided in this Article. Such records shall be available for inspection and examination for any proper purpose at any reasonable time upon demand by the City Clerk or a duly authorized agent or employee of the City and shall be preserved for a period of **three (3) years** unless the City Clerk shall prescribe a shorter period of time. It shall be unlawful for any person to prevent, hinder, or interfere with the City Clerk or the duly authorized deputy or representative of the City Clerk in the discharge of the duties of the City Clerk.

36-3-4 **RETURNS.** Every operator shall file monthly with the City Clerk a return of occupancy and of rents and of the taxes payable thereon on forms prescribed by the City Clerk and consistent with returns required under the Hotel Operators' Occupation Tax Act found in **35 ILCS 145/1 et seq.** The return shall be due on or before the last day of the calendar month succeeding the end of the month filing period. A separate return shall be filed for each place of business within the City regardless of ownership.

The first taxing period for the purpose of this Article shall commence on **June 1, 1997**, and the tax return and payment for such period shall be due on or before **July 30, 1997**. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this Article. At the time of filing such tax returns, the operator shall pay the full amount of all tax due hereunder.

36-3-5 **COLLECTION.** Whenever any person shall fail to pay any tax due hereunder or penalty, the City Clerk shall bring or cause to be brought in the name of the City an action to enforce payment of the tax in any court of competent jurisdiction, together with the costs of such collection.

36-3-6 **PROCEEDS OF TAXES.** All proceeds resulting from the imposition of the tax hereunder, including penalties, shall be paid into the treasury of the City and shall be credited to and deposited in the corporate funds of the City. All such proceeds shall be separately accounted for by the Treasurer.

36-3-7 **USE OF FUNDS.** All taxes and penalties received by the City hereunder shall be expended by the City solely to promote tourism, conventions and other special events within the City and otherwise to attract non-residents to visit the City. The City Council will provide by separate means for such expenditures, which methods may be changed from time to time, consistent with the terms of this Article and the laws of the State of Illinois.

36-3-8 **CERTIFICATE OF REGISTRATION.** It shall be unlawful and a violation of this Article for any person to engage in the business of renting, leasing or letting rooms in a hotel within the City without a certificate of registration issued by the Illinois Department of Revenue under the provisions of **35 ILCS 145/5**.

36-3-9 **VIOLATION.** Any person violating the provisions of this Article, in addition to any and all other penalties provided herein, shall, upon conviction thereof, be guilty of a Class C misdemeanor and be fined not less than **Five Dollars (\$5.00)** nor more than **Two Hundred Dollars (\$200.00)**, and a separate offense shall be deemed to have been committed upon each day in which such violation occurs or continues.

(Ord. No. 295; 05-28-97)

ARTICLE IV

SIMPLIFIED TELECOMMUNICATIONS TAX

36-4-1 **TAX ESTABLISHED.** There is hereby established a **three percent (3%)** tax rate pursuant to Sections 5-25 and 5-30 of the Simplified Municipal Telecommunication Tax Act (P.A. 92-0526).

36-4-2 **EFFECTIVE DATE.** The tax shall take effect for all gross charges billed by telecommunication retailers on and after the **first (1st) day of July, 2004.** The Municipal Clerk is hereby directed to file a certified copy of this law with the Illinois Department of Revenue on or before **March 31st, 2004.**

(Ord. No. 382-04; 03-08-04)

ARTICLE V

ELECTRIC UTILITY TAX

36-5-1 DEFINITIONS.

(A) **Person Maintaining a Place of Business in this State** shall mean any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

(B) **Public Utility** shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act and shall include telecommunications carriers as defined in Section 13-202 of that Act and alternative retail electric suppliers as defined in Section 16-102 of that Act.

(C) **Purchase at Retail** shall mean any acquisition of electricity by a Purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

(D) **Purchaser** shall mean any person, corporation, entity, association, customer, company, or partnership who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail.

(E) **Person Delivering Electricity at Retail** shall mean any person, corporation, entity, association, company, partnership, or Public Utility engaged in the transmission and delivery of electricity to Purchasers for the purpose of using and/or consuming such electricity, and not for resale.

36-5-2 TAX IMPOSED.

(A) Effective **June 1, 2000**, a tax is imposed on all residential Purchasers engaged in the privilege of using or consuming electricity for residential purposes acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser as follows:

(1)	First 2,000 KWH	0.3815598 cents per KWH
(2)	Next 48,000 KWH	0.32241391 cents per KWH
(3)	Next 50,000 KWH	0.290173 cents per KWH
(4)	Next 400,000 KWH	0.282112 cents per KWH
(5)	Next 500,000 KWH	0.274052 cents per KWH
(6)	Next 2,000,000 KWH	0.257931 cents per KWH
(7)	Next 2,000,000 KWH	0.253901 cents per KWH

- (8) Next 5,000,000 KWH 0.249871 cents per KWH
- (9) Next 10,000,000 KWH 0.2458406 cents per KWH
- (10) Over 20,000,000 KWH 0.2418104 cents per KWH

(B) Pursuant to Public Act 90-561, as codified in **65 ILCS 5/8-11-2**, the rates set forth above shall be effective for all customers on **June 1, 2000**.

(C) Pursuant to **65 ILCS 5/8-11-2**, Ordinance 303 shall specifically remain in effect for gross receipts attributable to customers up to and until **May 31, 2000**.

(D) Effective **December 31, 2000**, a tax is imposed on all residential Purchasers engaged in the privilege of using or consuming electricity for residential purposes acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser as follows:

- (1) First 2,000 KWH 0.4016484 cents per KWH
- (2) Next 48,000 KWH 0.263376 cents per KWH
- (3) Next 50,000 KWH 0.2370384 cents per KWH
- (4) Next 400,000 KWH 0.230454 cents per KWH
- (5) Next 500,000 KWH 0.2238696 cents per KWH
- (6) Next 2,000,000 KWH 0.2107008 cents per KWH
- (7) Next 2,000,000 KWH 0.2074086 cents per KWH
- (8) Next 5,000,000 KWH 0.2041164 cents per KWH
- (9) Next 10,000,000 KWH 0.2008242 cents per KWH
- (10) Over 20,000,000 KWH 0.197532 cents per KWH

(E) Pursuant to Public Act 90-561, as codified in **65 ILCS 5/8-11-2**, the rates set forth in paragraph (D)(1-10) above shall be effective for all residential customers on **December 31, 2000**.

(F) Pursuant to **65 ILCS 5/8-11-2**, Ordinance 303 shall specifically remain in effect for gross receipts attributable to customers up to and until **May 31, 2000**.

(G) Effective **December 31, 2000**, a tax is imposed on all non-residential Purchasers engaged in the privilege of using or consuming electricity for non-residential purposes acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser as follows:

- (1) First 2,000 KWH 0.4016484 cents per KWH
- (2) Next 48,000 KWH 0.263376 cents per KWH
- (3) Next 50,000 KWH 0.2370384 cents per KWH
- (4) Next 400,000 KWH 0.230454 cents per KWH
- (5) Next 500,000 KWH 0.2238696 cents per KWH
- (6) Next 2,000,000 KWH 0.2107008 cents per KWH
- (7) Next 2,000,000 KWH 0.2074086 cents per KWH
- (8) Next 5,000,000 KWH 0.2041164 cents per KWH
- (9) Next 10,000,000 KWH 0.2008242 cents per KWH
- (10) Over 20,000,000 KWH 0.197532 cents per KWH

(E) Pursuant to Public Act 90-561, as codified in **65 ILCS 5/8-11-2**, the rates set forth in paragraph (G)(1-10) above shall be effective for all non-residential customers on **December 31, 2000**.

(F) Pursuant to **65 ILCS 5/8-11-2**, Ordinance 303 shall specifically remain in effect for gross receipts attributable to customers up to and until **May 31, 2000**.

36-5-3 **LIMITATION.** None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the **Municipal Retailers' Occupation Tax Act** as authorized by **65 ILCS 5/8-11-1**; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the City, whether privately or municipality owned or operated, or exercising the same privilege within the corporate boundaries of the City.

36-5-4 **ADDITIONAL TAX.** Such tax shall be in addition to other taxes levied or otherwise imposed upon the Purchaser.

36-5-5 **COLLECTION.** The tax authorized by this Article shall be collected from the person delivering electricity at retail. This tax shall constitute a debt of the purchaser to the person delivering electricity at retail, and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity at retail shall constitute a debt owed to the City by such person delivering the electricity at retail. Persons delivering electricity at retail shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to **three percent (3%)** of the tax to reimburse the person delivering electricity at retail for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the person delivering electricity at retail fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. The person delivering electricity at retail who files a return pursuant to this Section shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to this Article.

36-5-6 RETURN.

(A) On or before the last day of each month, each person delivering electricity at retail collecting the tax as set forth herein shall make a return to the City Treasurer for the preceding month stating:

- (1) His name.
- (2) His principal place of business.
- (3) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (4) Amount of tax.
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) The person delivering electricity at retail making the return herein provided for shall, at the time of making such return, pay to the City the amount of tax herein imposed.

36-5-7 CREDIT FOR PAYMENT MADE IN ERROR.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the purchaser who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited. No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

36-5-8 PENALTY. Any purchaser or person delivering electricity at retail fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article shall be liable in a civil action as stated in City ordinance in connection with Rights and Responsibilities Related to Locally Imposed and Administered Taxes of the City.

(Ord. No. 339-01; 02-12-01)

ARTICLE VI

TAXPAYERS' RIGHTS CODE

36-6-1 **TITLE.** This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

36-6-2 **SCOPE.** The provisions of this Code shall apply to the City's procedures in connection with all of the City's locally imposed and administered taxes.

36-6-3 **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** "Act" means the "Local Government Taxpayers' Bill of Rights Act".

(B) **Corporate Authorities.** "Corporate Authorities" means the Mayor and City Council.

(C) **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the City that is collected or administered by the City not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the City other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** "Local Tax Administrator", the City's Mayor, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) **City.** "City" means the City of Altamont, Illinois.

(F) **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the City's locally imposed and administered taxes.

(G) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the City that imposes any locally imposed and administered tax.

(H) **Taxpayer.** "Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the City.

36-6-4 **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- (A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- (B) Personal service or delivery.

36-6-5 **LATE PAYMENT.** Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is:

- (A) physically received by the City on or before the due date, or
- (B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the City, with adequate postage prepaid.

36-6-6 **PAYMENT.** Any payment or remittance received for a tax period shall be applied in the following order:

- (A) first to the tax due for the applicable period;
- (B) second to the interest due for the applicable period; and
- (C) third to the penalty for the applicable period.

36-6-7 **CERTAIN CREDITS AND REFUNDS.**

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

(B) The statute of limitations on a claim for credit or refund shall be **four (4)** or less years after the end of the calendar year in which payment in error was made. The City shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the City.

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

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

- (a) the name of the locally imposed and administered tax subject to the claim;
 - (b) the tax period for the locally imposed and administered tax subject to the claim;
 - (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the City.
- (2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
- (a) grant the claim; or
 - (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **five percent (5%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-6-8 **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

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

- (1) the tax;
- (2) the time period of the audit; and
- (3) a brief description of the books and records to be made available for the auditor.

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

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

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

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

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

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

36-6-9 **APPEAL.**

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

- (1) the reason for the assessment;
- (2) the amount of the tax liability proposed;
- (3) the procedure for appealing the assessment; and
- (4) the obligations of the City during the audit, appeal, refund and collection process.

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

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to

the taxpayer. The hearing shall be scheduled for a date within **fourteen (14) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

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

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

36-6-10 **HEARING.**

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-6-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

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

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

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

36-6-11 **INTEREST AND PENALTIES.** In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **ten percent (10%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or

notice of tax liability, then a failure to file penalty shall be assessed equal to **twenty-five percent (25%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

36-6-12 **ABATEMENT.** The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

36-6-13 **INSTALLMENT CONTRACTS.** The City may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-6-14 **STATUTE OF LIMITATIONS.** The City, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

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

36-6-15 **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-6-16 **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

36-6-17 **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- (A) timely remove the lien at the City's expense;
- (B) correct the taxpayer's credit record; and
- (C) correct any public disclosure of the improperly imposed lien.

36-6-18 **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the City's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(Ord. No. 338-01; 02-12-01)

CHAPTER 38

UTILITIES

ARTICLE I - DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENTS ESTABLISHED.** There shall be executive departments of the City known as the **Water Department and the Sewer Department**. It shall include the Water and Sewer Superintendent and employees of the Department. The designated office shall be the City Hall.

38-1-2 **WATER AND SEWER COMMITTEE.** The Commissioner of Public Property and the Commissioner of Streets and Public Improvements shall jointly exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 **SUPERINTENDENT.** The Superintendents of the Water and Sewer Departments shall be subject to the supervision of the Commissioners and shall be hereinafter be referred to as the "**Superintendent**". The Superintendents shall be appointed by the Commissioners, by and with the advice and consent of the City Council and shall hold office until a successor is appointed and qualified. They shall receive such salary as may be provided by the annual budget of the City Council at the time of their appointment.

ARTICLE II - RATES AND REGULATIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

(A) Customer Accepts Service. The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage system and every person, company or corporation, hereinafter called a “customer” who accepts and uses City water and sewer services shall be held to have consented to be bound thereby.

(B) Not Liable for Interrupted Service. The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) Using Services Without Paying. Any person using utility services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) Destroying Property. Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) Service Obtained By Fraud. All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) Failure to Receive Bill. Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) Request to Discontinue Service. Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the City prior to the first day of the new billing month in which the services are to be discontinued.

(H)

Payment for Water Service.

- (1) The water meters of the City water system shall be read not later than the **twenty-ninth (29th) day** of each month by the Department Supervisor.
- (2) The Department Supervisor shall provide the City Clerk with all water meter readings not later than the **twenty-ninth (29th) day** of each month.
- (3) The City Clerk shall prepare and mail (by regular U.S. mail) all water service bills to the customer's address not later than the **sixth (6th) day** of each month.
- (4) All water service bills shall be due and payable by the customer not later than the **seventeenth (17th) day** of each month.
- (5) If a water service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the water service bill is considered past due and a **ten percent (10%)** late fee shall be assessed to such customer.
- (6) If a water service bill is not paid by the customer by the **seventeenth (17th) day** of the month, the City Clerk shall mail (by regular U.S. Mail) a Final Delinquency Notice Prior to Disconnection. If a water service bill is not paid by the customer by **10:00 A.M.** on the specified disconnection date as listed in the Final Delinquency Notice Prior to Disconnection, then:
 - (a) The City Clerk shall immediately issue a Disconnect Service Order to the Department Supervisor, and the Department Supervisor shall immediately cause the disconnection of such customer's water service.
- (7) The City may proceed to enforce its collection and/or lien rights applicable by Illinois law.
 - (a) Water service charges or rates are liens upon the real estate upon or for which service is supplied whenever the charges or rates become delinquent as provided by this Section.
 - (b) A lien is created when the City sends to the customer and the owner(s) of record of the real estate as referenced by the taxpayer's identification number, (i) a copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates to the owner(s) of record, that the charges or rates have become delinquent and (ii) a notice that unpaid charges or rates may create a lien on the real estate.
 - (c) The City has no preference over the rights of any purchaser, mortgagee, judgment creditor, or other

lien holder arising prior to the filing of the notice of such a lien in the Office of the Recorder of Effingham County.

- (8) The City has the power to sue the customer in a civil action to recover the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney's fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**
- (9) The term "customer" shall mean any person, corporation or entity that applies for water, sewer, electric, or garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

38-2-2 **CONSUMER LISTS.** It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 **LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City. **(City Code; Sec. 223)**

38-2-4 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-

discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-6 UTILITY DEPOSITS.

(A) **Property Owner.** A utility deposit of **One Hundred Fifty Dollars (\$150.00)** shall be paid to the Clerk by any applicant who is not the record owner of the property, before any electric will be turned on to any premises. The deposit shall be retained by the City until the user discontinues utility service from the City at which time the deposit will be returned to the user, provided however, that said user shall have a good payment record, making all monthly payments timely.

(B) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest on the deposit.

(C) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before electric services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the City Clerk an amount sufficient to bring the deposit to the established rate of deposit. **(Ord. No. 370-03; 08-25-03)**

38-2-7 DISCONTINUANCE OF WATER SERVICE. The City may discontinue water service when any customer fails to do any of the following:

(A) make a deposit or increase a deposit pursuant to **Section 38-2-6** of the City Code.

(B) pay a past due bill owed to the City for water service furnished at the same location or at another location. For purposes of this paragraph, a utility may discontinue water service if the current customer is liable for a past due bill for water services pursuant to Section 15 of the Rights of Married Persons Act **(750 ILCS 6-5/15)**; unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to **Section 38-2-6** and/or enters into a deferred payment agreement pursuant to **Section 38-2-11**.

(C) make payment in accordance with the terms of a deferred payment agreement.

(D) provide utility representatives with access to the water meter.

(E) comply with the rules and regulations of the City Water Department.

38-2-8 **RECONNECTION FEE.** When water service to a customer has been discontinued for nonpayment of charges, a reconnection charge of **Twenty-Five Dollars (\$25.00)** shall be made if reconnection is made during normal working hours and a charge of **Fifty Dollars (\$50.00)** shall be made if such reconnection is made after normal working hours.

38-2-9 **PAYMENT OF PRIOR BALANCES.** The City shall not be required to connect or provide any service to any customer until all previous balances for water service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's utility collection office.

38-2-10 **NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS.** No person owing utility charges and removing to other premises where there are City utility connections or where connections shall afterwards be made shall be served until such charges in arrears are paid in full.

38-2-11 **DEFERRED PAYMENT AGREEMENTS.**

(A) Residential customers who are indebted to the City for past due water service may have the opportunity, at the discretion of the City, to make arrangements with the City to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement.

(B) The terms and conditions of a reasonable deferred payment agreement and the City's decision whether or not to offer a customer for service a deferred payment agreement shall be determined by the City after consideration of the following factors, based upon information available from current utility records or provided by the customer:

- (1) size of past due account; and
- (2) customer or customer's ability to pay; and
- (3) customer or customer's payment history; and
- (4) reason for outstanding indebtedness; and
- (5) any other relevant factors relating to the circumstances of the customer or customer's service.

(C) When entering into a deferred payment agreement, the customer shall pay **one-fourth (1/4)** of the amount past due and owing at the time of entering into the deferred payment agreement. The City shall allow a minimum of **three (3) months** from the date of said agreement for payment to be made under a deferred payment agreement. Late payment charges may be assessed against the amount deferred payment agreement with a customer during a **twelve (12) month** period.

(D) A deferred payment agreement shall be in writing, with a copy provided to customer, and shall conform to the following requirements:

- (1) the customer shall be required to pay all future bills for water service by the due date; and
- (2) the customer retire his/her debt according to the terms of the deferred payment agreement.

(Ord. No. 394-04; 11-08-04)

ARTICLE III - WATER SYSTEM**DIVISION I - GENERAL REGULATIONS**

38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application.

38-3-2 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Council. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

38-3-3 INSPECTION.

(A) **Access to Premises.** The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.

38-3-4 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer

shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-5 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.

All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

38-3-6 RESALE. No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

38-3-7 DISCONTINUING SERVICE - DANGEROUS USAGE. The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-8 ELECTRIC GROUND WIRES. All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected **five (5) days** after notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-9 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.

Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the City Clerk on a form provided by the City Council for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Commissioner of Public Property.

38-3-10 FIRE HYDRANTS.

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the City Limits, shall be owned, maintained and used only by the City and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the City and after approved application to the City.

(B) The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the City Limits owned by the City shall be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

(D) The annual rental fee shall be **Seven Dollars (\$7.00)** per fire hydrant.

38-3-11 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Commissioner of Public Property is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

- (1) the washing of cars and other vehicles;
- (2) the sprinkling of lawns and shrubbery;

- (3) the watering of gardens;
- (4) other nonessential uses;

and it shall be unlawful for any person to so use water from the City supply during such an emergency.

38-3-12 SHORTAGE AND PURITY OF SUPPLY. The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-13 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-14 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

38-3-15 USE OF WATER ON CONSUMER'S PREMISES. The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

38-3-16 REMOVAL OF METERS. All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-17 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-18 INSTALLING AND MAINTAINING SERVICE LINES. The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths inch (3/4")** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

38-3-19 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND CITY. The City shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the City's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-20 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY. The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the City will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The City expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the City.

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-21 APPROVED BACKFLOW DEVICE. All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-22 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-23 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-24 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information

which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

38-3-25 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-26 CONTAMINATIONS COST AND THE CONSUMER. The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

(Ord. No. 239; 09-23-91)

38-3-27 - 38-3-30 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-31 **PURPOSE.** The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-32 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-33 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-34 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

“Fixed Proper Air Gap” means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

“Agency” means Illinois Environmental Protection Agency.

“Approved” means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

“Auxiliary Water System” means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

“Backflow” means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

“Backflow Prevention Device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

“Consumer” or “Customer” means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

“Consumer's Water System” means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

“Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

“Cross-Connection” means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

“Direct Cross-Connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

“Indirect Cross-Connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

“Health Hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

“Potable Water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

“Potential Cross-Connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

“Process fluid(s)” means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

“Public Water Supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

“Reduced Pressure Principle Backflow Prevention Device” means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

“Service Connection” means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

“Survey” means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must

include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-35 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-36 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-37 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., Ch. 225, Sec. 320/3.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) Testing and Records
 - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).
 - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - (d) A maintenance log shall be maintained and include:
 1. date of each test;

2. name and approval number of person performing the test;
3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. serving performed and date completed.

38-3-38 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system

serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

38-3-39 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-38** of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;

- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-40 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-41 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

- (B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
- (C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (D) A maintenance log shall be maintained and include:
 - (1) date of each test or visual inspection;
 - (2) name and approval number of person performing the test or visual inspection;
 - (3) test results;
 - (4) repairs or servicing required;
 - (5) repairs and date completed; and
 - (6) servicing performed and date completed.
- (E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.
- (F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-42 BOOSTER PUMPS.

- (A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
- (B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-43 VIOLATIONS AND PENALTIES.

- (A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- (B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent.

(D) Neither the City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

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

(F) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

(Ord. No. 239; 09-23-91)

38-3-44 - 38-3-52 RESERVED.

DIVISION IV - EXTENSION OF MAINS**38-3-53 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.**

The City Council shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. (See Chapter 34 for Design Requirements)

38-3-54 EASEMENTS. Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-55 SIZE AND TYPE. The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City shall pay the difference in cost.

38-3-56 TITLE. Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer, who shall be responsible for maintenance and replacement, when necessary.

38-3-57 MAINTENANCE AND REPLACEMENT. The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.

DIVISION V – POTABLE WATER SUPPLY WELLS

38-3-58 PROHIBITION. After the effective date of this Division, the use or attempted use as a potable water supply ground water within the corporate boundaries of the City, by the use, installation or drilling of wells or by any other method, directly or indirectly, is hereby prohibited. No well(s) intended to be used as a potable water supply shall be drilled or installed, or caused to be drilled or installed within the corporate boundaries of the City.

38-3-59 PENALTIES. Any person violating the provisions of this Division shall be deemed guilty of a civil ordinance violation and subject to a fine of **Five Hundred Dollars (\$500.00)** for each violation. Each day that such violation is allowed or permitted to exist shall constitute a separate offense. The City may seek injunctive or declaratory relief from a court of competent jurisdiction to enforce the provisions of this Division.

38-3-60 DEFINITIONS.

(A) **“Person”** means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

(B) **“Potable Water”** shall mean any water used for human or domestic consumption, including but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(C) **“Waterworks”** shall have that meaning as stated in **65 ILCS 5/11-130-2.**

38-3-61 PREEXISTING USE. Any well existing within the corporate boundaries of the City, and being used as a potable water supply prior to the date of this Division may continue to be used as a potable water source by those persons using such well as a potable water supply; provided, however, that if the City Waterworks is extended to a location within **one hundred (100) feet** of the boundary line of the real estate upon which the well is located, then such well shall be sealed in accordance with **415 ILCS 30/1 et seq.** and the regulations promulgated pursuant thereto by the Illinois Department of Public Health, and the use of such well as a potable water supply shall terminate and the person then using such well as a potable water supply shall, at such person’s expense, install a water service line and connect such line to the City Waterworks in accordance with City ordinances and the rules and regulations of the City Water Department, as amended from time to time. In the event that compliance with this Section causes severe economic hardship to a person using a well as a potable water supply prior to the effective date of this Division, then such person may apply to the City Council for an exemption from the requirements of this Section. Said application shall be in writing and shall state the circumstances and factual basis for such severe economic hardship. Said applications shall be granted or denied following a hearing before the City Council. Said grant or denial shall be in writing issued to the person within **ninety (90) days** of said hearing. The City Council may place reasonable restrictions or conditions on such exemption as are deemed necessary to secure the purposes of this Division.

(Ord. No. 387-04; 06-14-04)

ARTICLE IV - UTILITY RATES

DIVISION I - GENERAL

38-4-1 **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-4-2 **REVENUES.** All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the City Council.

The Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the City". The Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II)**

38-4-3 **ACCOUNTS.** The Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.

- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-4 NOTICE OF RATES. A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-4-5 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

38-4-6 APPEALS. The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-4-7 - 38-4-9 RESERVED.

DIVISION II - WATER RATES

38-4-10 WATER TAP-ON FEES.

(A) **Inside City.** Applicants for water service inside and outside the City limits, being commercial or residential, shall pay the following established rates, in addition to the current rate of sales tax, in advance of the tap-in connection:

3/4" service	\$500.00
1" service	\$750.00
1 1/2" service	\$2,000.00
2" service	\$2,500.00

(B) **Illinois Plumbing Code.** All water tap and service connections made to the mains of the Waterworks System of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the City's water department, unless otherwise approved by the City Council.

(C) **Maintenance of Water Lines.** The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the City. The City shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter. The property owner shall be responsible for the service line from the meter into the premises served. (Ord. No. 389-04; 06-14-04)

38-4-11 WATER RATES. There shall be established the following rates and charges for the use of the water system of the City, based upon the amount of water consumed as follows:

(A) **WATER RATES: LESS THAN 2" METER.**

First	1,000 gallons per month	\$10.00 MINIMUM CHARGE
Next	1,001 - 5,000 gallons per month	\$ 7.80 per 1,000 gallons
Next	5,001 - 20,000 gallons per month	\$ 6.00 per 1,000 gallons
Next	20,001 - 100,000 gallons per month	\$ 4.56 per 1,000 gallons
Over	100,000 gallons per month	\$ 3.96 per 1,000 gallons

(B) **WATER RATES: 2" METER OR MORE.**

First	1,000 gallons per month	\$115.00 MINIMUM CHARGE
Next	1,001 - 5,000 gallons per month	\$ 7.80 per 1,000 gallons
Next	5,001 - 20,000 gallons per month	\$ 6.00 per 1,000 gallons
Next	20,001 - 100,000 gallons per month	\$ 4.56 per 1,000 gallons
Over	100,000 gallons per month	\$ 3.96 per 1,000 gallons

(Ord. No. 369-03; 08-11-03)

(C) **BULK SALES.**

Per 25 gallons	\$.25
----------------	--------

(Ord. No. 384-04; 04-26-04)

(D) The water rates and charges for customers located outside the corporate boundaries of the City shall be the same as the water rates set forth in paragraphs (A), (B) and (C) above. (Ord. No. 369-03; 08-11-03)

38-4-12 REQUESTED SHUT-OFF. If user requests water to be shut off, there will be a **Twenty-Five Dollar (\$25.00)** fee to have the water turned on again.

38-4-13 - 38-4-30 RESERVED.

DIVISION III

WASTEWATER SERVICE CHARGES

38-4-31 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

The **debt service charge** is computed by dividing the annual debt service of all outstanding Sewerage Bonds by the number of users. Through further divisions, the monthly debt service charges can be computed.

The **basic user charge** shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

(A) A **five (5) day twenty degree centigrade (20°C)** biochemical oxygen demand (**BOD**) of **two hundred forty (240) mg/l**.

(B) A suspended solids (SS) content of **two hundred eighty-nine (289) mg/l**.

It shall be consist of operation and maintenance costs plus replacement, and debt retirement, and shall be computed as follows:

(A) Estimated wastewater volume, pounds of SS and pounds of BOD to be treated.

(B) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.

(C) Proportion the estimated operation, maintenance and replacement costs to each user class by volume, BOD, and SS.

(D) Proportion the estimated operation, maintenance and replacement costs to wastewater facility categories by Flow Volume, Suspended Solids and BOD.

(E) Compute costs per **one hundred (100) gallons** for normal sewage strength.

(F) Compute surcharge costs per pound per **one hundred (100) gallons** in excess of normal sewage strength for BOD and SS.

A **surcharge** will be levied to all users whose waters exceed the normal domestic concentrations of **BOD (240 mg/l)** and **SS (289 mg/l)**. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the **240 mg/l** and **289 mg/l** concentration for BOD and SS respectively. (**Section 38-4-56** specifies the procedure to compute a surcharge.)

The **adequacy of the wastewater service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the City in their annual audit

report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs including replacement costs.

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.

34-4-32 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons**.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person or company occupying the building served at no cost to the City. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent.

38-4-33 DEBT SERVICE CHARGE. A debt service charge of **Seven Dollars Eighteen Cents (\$7.18)** per month to each user of the wastewater facility of the City is hereby established.

38-4-34 BASIC USER RATE. There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the City. A minimum charge of **Seven Dollars Eighty-Three Cents (\$7.83)** per month shall be applied to all users whose water consumption does not exceed **five hundred (500) gallons** per month. (The minimum charge per month includes a **Seven Dollars Eighteen Cents (\$7.18)** debt service charge plus **Sixty-Five Cents (\$0.65)** for up to **five hundred (500) gallons** consumption.) A basic user rate of **Thirteen Cents (\$0.13)** per **one hundred (100) gallons** shall be applied to all users for water consumption in excess of **five hundred (500) gallons** per month.

All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum accrual capital cost charge, the minimum service charge and the basic user rate of **Thirteen Cents (\$0.13)** per **one hundred (100) gallons**. The flat rate charge will

allow a maximum of **six thousand (6,000) gallons** per month, and is hereby established to be **Fifteen Dollars (\$15.00)** per month.

In the event use of the wastewater facilities is determined by the Superintendent to be in excess of **six thousand (6,000) gallons** per month, the Superintendent may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

38-4-35 SURCHARGE RATE. The rates of surcharges for BOD₅ and SS shall be as follows:

per lb. of BOD:	\$0.25
per lb. of SS:	\$0.21

38-4-36 COMPUTATION OF SURCHARGE. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

38-4-37 COMPUTATION OF WASTEWATER SERVICE CHARGE. The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu-X)CU + CS$$

Where	CW	=	Amount of waste service charge (\$) per bill period.
	CD	=	Debt Service Charge.
	CM	=	Minimum Charge for Operation, Maintenance and Replacement.
	Vu	=	Wastewater Volume for the billing period.
	X	=	Allowable consumption in gallons for the minimum charge.
	CU	=	Basic User Rate for Operation, Maintenance and Replacement.
	CS	=	Surcharge, if applicable. (Section 38-4-31).

ARTICLE V - SEWER SYSTEM

DIVISION I - DEFINITIONS

38-5-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

"GOVERNMENT, FEDERAL".

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act (**33 U.S.C. 466 et seq**) as amended, (**Pub. L. 95-217**).

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

"GOVERNMENT, LOCAL".

(A) **"Approving Authority"** means the Superintendent, as defined above.

(B) **"Superintendent"** shall mean the City Commissioner in charge of sanitary sewers or that person designated by said City Commissioner and approved by the Mayor and Council of the City of Altamont.

(C) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(D) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

"GOVERNMENT, STATE".

(A) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

(B) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

"CLARIFICATION OF WORD USAGE". "Shall" is mandatory; "may" is permissible.

"SEWER TYPES AND APPURTENANCES".

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five feet (5') (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by other.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve **one (1)** or more persons and ultimately discharge into the City sanitary sewer or combined sewer system, even though those sewers may not have been constructed with City funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.

(H) **"Sewerage"** shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewers.

"TREATMENT":

(A) **"Pretreatment"** shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.

(B) **"Wastewater Treatment Works"** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

"TYPES OF CHARGES":

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewerage Fund"** is the principal accounting designation for all revenues received in the operation of the sewerage system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Wastewater Service Charge"** shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

"USER TYPES":

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the City representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

"WATERCOURSE AND CONNECTIONS":

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"WASTEWATER AND ITS CHARACTERISTICS":

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean an industrial user the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant

impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

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

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) **"ppm"** shall mean parts per million by weight.

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one half inch (1/2") (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "wastewater".

(M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

(N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

(O) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(P) **"Wastewater"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

(Q) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

38-5-2 - 38-5-3 RESERVED.

DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-4 **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

38-5-5 **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

38-5-6 **PRIVATE SYSTEM, UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-5-7 **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred feet (200') (66 meters)** of the property line.

(Ord. No. 222; 05-14-90)

38-5-8 - 38-5-9 **RESERVED.**

DIVISION III

PRIVATE SEWAGE DISPOSAL

38-5-10 PRIVATE SEWAGE SYSTEM. Where a public sanitary sewer is not available under the provisions of **Section 38-5-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-5-11 HEALTH DEPARTMENT APPROVAL. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **Fifty Dollars (\$50.00)** shall be paid to the City at the time the application is filed.

38-5-12 PERMIT APPROVAL. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within hours of the receipt of written notice by the Superintendent.

38-5-13 COMPLIANCE WITH STATE REQUIREMENTS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **twenty thousand (20,000) square feet (2,152 square meters)**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14 AVAILABILITY OF PUBLIC SEWER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-5-12**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-5-15 **OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

38-5-16 **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

38-5-17 **TIME CONSTRAINTS FOR PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20 **RESERVED.**

DIVISION IV

BUILDING SEWERS AND CONNECTIONS

38-5-21 DISTURBING SYSTEM UNLAWFUL. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-5-22 COMPLIANCE WITH REGULATING AUTHORITIES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-23 CLASSES OF PERMITS.

(A) There shall be **two (2)** classes of building sewer permits as follows:

- (1) for residential wastewater service, and wastewater service for domestic-type sanitary convenience to commercial, institutional/governmental buildings, and
- (2) industrial wastewater service.

(B) In either case, the owner or his agent shall make applications on a special form furnished by the City, **(reference Appendix #2).**

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A tap-on and permit fee of **One Hundred Dollars (\$100.00)** and an inspection fee of **One Hundred Dollars (\$100.00)** for a residential or commercial, building institutional/ governmental or industrial building sewer permit shall be paid to the City at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. If required either by the Superintendent or statutory regulations, the industry shall obtain an EPA permit for the connection to the public sewer. **(Ord. No. 401-05; 06-27-05)**

38-5-24 COST BORNE BY OWNER. All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation,

connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-5-25 SEPARATE SEWER: EXCEPTION. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

38-5-26 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

38-5-27 CONSTRUCTION METHODS. The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four inches (4")**. If **six inch (6") diameter pipe** is used, the slope shall not be less than **one-eighth (1/8") inch** per foot. If **four inch (4") or five inch (5") diameter pipe** is used, the slope shall not be less **one-fourth (1/4") inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewers shall be constructed of materials approved by the City. Generally all building sewers shall be constructed of the following materials:

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gaslight and watertight and are subject to the approval of the City. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

38-5-28 PLUMBING CODE REQUIREMENTS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all

conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

38-5-29 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-5-22** and discharged to the building sewer.

38-5-30 PROHIBITED CONNECTIONS. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-5-31 CONNECTIONS TO SEWER MAINS. Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of **one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the City before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

On Site Inspection. After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

Backfill. To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewers crossing any street, or traveled alley shall be backfilled with granular backfill material.

Concrete Encasement. When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1' 6")** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-5-32 CAPACITY OF SEWER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-5-33 TAP-IN SUPERVISION AND TESTING. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

At any time after the installation of the building sewer, the City may test the building sewer for violation of this ordinance.

38-5-34 INSPECTION. After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet City's requirements.

38-5-35 PUBLIC SEWER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures

set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

38-5-36 **PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-5-37 **BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

Any experienced sewer builder or drain layer may furnish to the City a continuing surety bond in the sum of **Five Thousand Dollars (\$5,000.00)** to apply to all building sewer permits issued to such builder or to the principals thereof for a term of **one (1) year** from the date thereof subject to renewal from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

Home owners wishing to install their own building services are not required to post a bond. Any person performing building sewer work for hire shall post the bond.

38-5-38 **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-39 - 38-5-41 **RESERVED.**

DIVISION V - EXTENSION OF COLLECTING SEWERS

38-5-42 **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, not an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City.

38-5-43 **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the City, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the City for further consideration.

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewers not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

38-5-44 **MATERIALS.** All sewer extensions shall be constructed of the following materials:

(A) Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:

- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.

- (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.
- (B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and
 - (1) of comparable material to the sewer main for PVC pipe.
 - (2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-5-45 **INSPECTIONS OF CONSTRUCTION.** Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

- (A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.
- (B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;
- (C) Under special circumstances, when approved by the City, air pressure testing with allowance to be specified by the City.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the City's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the City.

38-5-46 **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-5-47 - 38-5-48 **RESERVED.**

DIVISION VI

USE OF PUBLIC WASTEWATER FACILITIES

38-5-49 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-50 STORM WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

38-5-51 REGULATIONS OF WASTES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-5-52 HARMFUL EFFECTS OF CERTAIN MATERIALS. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of

these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C)**.

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C)**.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the City.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the City as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hg** at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:

- (1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the City in compliance with applicable State and Federal regulations.

38-5-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-35** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-5-42**.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the City shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all wastewater be discharged through a single control manhole or structure with appurtenances described herein.

38-5-54 GREASE AND OIL INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

38-5-55 FLOW-EQUALIZING FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-56 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-57 INDUSTRIAL WASTE TESTING.

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-5-58 **MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-5-59 **SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division III of this Code)**

38-5-60 - 38-5-64 **RESERVED.**

DIVISION VII

INSPECTIONS

38-5-65 **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-5-66 **INSPECTION AND TESTING.**

(A) The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

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

38-5-67 **LIABILITY OF CITY.** While performing the necessary work on private properties referred to in **Section 38-5-66** above, the Superintendent or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-57**.

38-5-68 **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-5-69 - 38-5-70 **RESERVED.**

DIVISION VIII - PENALTIES

38-5-71 **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-5-65** shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The City may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

38-5-72 **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-73 **LIABILITY TO CITY.** Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.

38-5-74 - 38-5-80 **RESERVED.**

DIVISION IX – SEWER PAYMENT REGULATIONS

38-5-81 **PAYMENT FOR SEWER SERVICE.** Payment for sewer services shall be made in the manner prescribed in **Section 38-2-1(H)** of this Chapter.

38-5-82 **DISCONTINUANCE OF SEWER SERVICE.** The City may discontinue sewer service when any customer fails to do any of the following:

- (A) make a deposit or increase a deposit pursuant to **Section 38-2-6.**
- (B) pay a past due bill owed to the City for sewer service furnished at the same location or at another location. For purposes of this paragraph, the City may discontinue sewer service if the current customer is liable for a past due bill for sewer services pursuant to Section 15 of the Rights of Married Persons Act (**750 ILCS 6-5/15**); unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to **Section 38-2-6** and/or enters into a deferred payment agreement pursuant to **Section 38-2-11.**
- (C) make payment in accordance with the terms of a deferred payment agreement.
- (D) comply with the rules and regulations of the City Sewer Department.

38-5-83 **RECONNECTION FEE.** When sewer service to a customer has been discontinued for nonpayment of charges, a reconnection charge of **Twenty-Five Dollars (\$25.00)** shall be made if reconnection is made during normal working hours and a charge of **Fifty Dollars (\$50.00)** shall be made if such reconnection is made after normal working hours.

38-5-84 **NO NEW SERVICE TO PERSONS OWING CHARGES IN ARREARS.** No person owing utility charges and removing to other premises where there are City utility connections or where connections shall afterwards be made shall be served until such charges in arrears are paid in full.

38-5-85 **PAYMENT OF PRIOR BALANCES.** The City shall not be required to connect or provide any service to any customer until all previous balances for sewer service owed by the customer shall have been paid to the City. Payment may be defined as either payment in cash or entering into a satisfactory payment plan through the City's utility collection office.

38-5-86 **DEFERRED PAYMENT AGREEMENTS.** Deferred Payment Agreements shall be made in the manner prescribed in **Section 38-2-11.**

38-5-87 **CIVIL SUIT.** The City has the power to sue the customer in a civil action to recover the money due for water, sewer, electric, or garbage collection services rendered, plus a reasonable attorney's fee, to be fixed by the court. **(Ord. No. 394-04; 11-08-04)**

38-5-88 **CUSTOMER DEFINED.** The term "customer" shall mean any person, corporation or entity that applies for water, sewer, electric, or garbage collection services with the City, and shall include those persons, corporations, or entities presently or prospectively receiving such services. **(Ord. No. 394-04; 11-08-04)**

38-5-89 - 38-5-90 **RESERVED.**

DIVISION X - GREASE INTERCEPTORS AND TRAP CODE

38-5-91 **SCOPE AND PURPOSE.** The scope and purpose of this Article is to aid in the prevention of *sanitary sewer* blockages and obstructions from contributions and accumulations of fats, oils, greases and other substances into the sanitary sewer system from industrial or commercial establishments or other users, particularly food preparation and serving facilities, as the discharge of fats, oils, greases and other substances into the sanitary sewer system interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the sewer treatment plant.

38-5-92 **DEFINITIONS.** For the purposes of this Article, the following words and terms shall have the meanings prescribed:

(A) **"Existing Structures":** Any structure constructed prior to **March 30, 2005** for which no structural renovation or addition has been made subsequent to **March 30, 2005**.

(B) **"Food Waste Grinder or Disposal":** A device which shreds or grinds up solid or semi-solid waste materials into smaller portions.

(C) **"Grease":** *Organic* polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.

(D) **"Grease Interceptor":** An interceptor whose rated flow exceeds **fifty-five (55) gallons** per minute and is located outside the building.

(E) **"Grease Trap":** An interceptor whose rated flow is not less than **twenty (20) gallons** per minute nor more than **fifty-five (55) gallons** per minute and is typically located inside the building.

(F) **"Interceptor":** A *device* designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or waste to discharge in to the drainage system by gravity.

(G) **"User":** Any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the sanitary sewer, including persons who contribute such wastewater from mobile sources such as those who discharge hauled wastewater. For purposes of this Article only, user does not include an owner or occupant of a single family or multi-family dwelling used solely for residential use unless said dwelling experiences a grease or similar blockage or problem within its service line or within an adjoining sewer main more than twice during any **twelve (12) month** period.

(H) **"Waste Hauler":** An entity which transfers wastes from the site of a user to an approved site for disposal or treatment. The waste hauler, in addition to the user, is responsible for insuring that all federal, state and local regulations are followed regarding waste transport and disposal.

(I) “Prohibited Concentration”: Discharges of wastewater from a grease trap in the City shall not exceed **100 mg/L** (total) of fats, oils and grease in and sample, whether obtained as a composite or grab sample.

38-5-93 **GENERAL PROVISIONS.**

(A) **Prohibition on Introduction of Enzymes and Emulsifiers.** No person shall introduce, nor allow the introduction of physical, chemical, or biological agents into grease interceptors and/or traps for the purpose of resuspending, dissolving, emulsifying, or rendering soluble any fats, oils, or grease removed from a wastewater by such grease interceptors and/or traps and reintroducing them into the City sewer system. Unless specifically approved by the City, product literature and bench or pilot studies may be required prior to discharge to the waste stream. These studies will be done at the owner’s or manufacturer’s expense.

(B) **Grease Interceptor Requirements.**

- (1) All sewer users constructing or operating a facility within the City, which will be used for the manufacture, processing, or preparation of food or food products, including but not limited to all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, churches, caterers, bakery, butcher shops, and meat or food processors or other facilities which will be used for the manufacture, who discharge fats, oils or greases shall install, maintain and properly operate a grease interceptor including a sampling point adequate to prevent a discharge of fats, oils and grease to City sewers in prohibited concentrations. Any such facility in operation without such a grease interceptor on the date of enactment of this Article shall be required to install and use such a grease interceptor within **twelve (12) months** of enactment. Said grease interceptor shall be sized and installed according to the Illinois Plumbing Code, Section 890.510.
- (2) A grease trap must have a flow restrictor which is fully operational and the grease trap must be fully functional and operating at all times.
- (3) All facilities subject to the provisions of this Article, shall implement and strictly comply with the “Best Management Practices” hereinafter set forth.
- (4) No grease interceptor or trap shall receive the discharge from a dishwashing machine except as hereinafter provided. No dishwasher shall be discharged *into any* grease trap nor into any grease interceptor less than **one thousand five hundred (1,500) gallons** in size. In addition, no dishwasher shall be discharged into any grease interceptor

one thousand five hundred (1,500) gallons or larger, except as may be provided by the State of Illinois Plumbing Code, provided, however, that notwithstanding any other language herein a dishwasher may be discharged into any grease interceptor **one thousand five hundred (1,500) gallons** or larger if said grease interceptor shall be separate and apart from all other grease interceptors required by this Article and shall serve and receive discharge only from the dishwasher and no other source. All new construction beginning on the effective date of this Article shall be required to install, and provide a separate grease interceptor as provided herein for all dishwashers and, in addition, any user having a dishwasher which experiences a grease or similar blockage or problem within its service line or within an adjoining sewer main shall be required to install and provide a separate grease interceptor as provided herein for all dishwashers.

- (5) Each grease interceptor or trap shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease.
- (6) No water or wastewater in excess of **one hundred forty (140) degrees Fahrenheit** shall be discharged into any grease trap or interceptor; no discharge effluent shall be greater than **eighty-five (85) degrees Fahrenheit**.
- (7) No non-grease laden source shall be connected to any interceptor or trap to any line intended for grease interceptor service.

(C) **Variance.** Grease interceptors required under this Article shall be installed unless the City authorizes the installation of a grease trap or other alternative pre-treatment technology after determination that the installation of a grease interceptor is not feasible. The user bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The City may authorize the installation of a grease trap where the installation of a grease interceptor is not possible due to physical barriers, physical constraints, space constraints or other considerations not within control of user and not subject to feasible correction or remedy.

No variance shall be granted to any new construction. Each user granted a variance shall implement and comply with "Best Management Practices" to the extent that same are applicable to user's activities. Variances are not to be liberally granted.

The variance shall be rendered null and void in the event of the transfer of ownership of the user's establishment or any change in the methods of operation by user. Failure to strictly implement and comply with "Best Management Practices" shall also render a variance null and void.

(D) **Best Management Practices.** All facilities subject to the provisions of this Article and any user who utilizes a grease interceptor or who receives

a variance shall implement and strictly comply with the following management practices:

- (1) All kitchen staff shall be trained in management practices and methods to reduce the volume of grease discharged into the sanitary sewer system. No foods, fats, cooking oil or grease shall be emptied or placed into any sink drain, floor drain, dishwasher or other drain. All food wastes, food scraps and food scrapes shall be disposed of as solid waste in a trash can or dumpster.
- (2) All cooking oils shall be discarded into containers for recycling and shall be disposed of by a recycling facility; receipts and records evidencing such disposal shall be maintained for **three (3) years** by the facility and made available to the City upon request.
- (3) Oil and grease recycle containers shall be placed in a location convenient for the employees or agents of the user to place the oil into the container.
- (4) "No Grease" signs shall be posted above each sink, on dishwashers, over each drain, and near all other potential grease discharge points.
- (5) All foods, fats, cooking oil and grease remaining in pots and pans shall be dry-wiped and scraped out into the trash container or dumpster.
- (6) No food waste disposal or grinder shall be utilized. All food scrapes and food wastes shall be disposed as solid waste in a trash container or dumpster.

38-5-94 REQUIRED MAINTENANCE OF GREASE INTERCEPTORS AND TRAPS.

(A) Each user who owns or operates a grease interceptor or trap as required by **Section 38-5-93** of this Article shall cause collected or trapped fats, oils and grease to be cleaned and removed from such device on a regular basis, and delivered to a facility authorized to use, treat, or dispose of such material in accordance with the Illinois Environmental Protection Agency (IEPA) and the Illinois Department of Public Health. Such cleanout and removal shall be accomplished on a frequency to maintain compliance with this Article but not less than twice per year.

(B) If the grease level is at its maximum, the grease interceptor or trap shall be immediately cleaned or discharge into same shall be prohibited. If any grease interceptor or trap is determined to be at its maximum upon inspection then cleaning frequencies shall be increased. A grease trap or interceptor is recommended to be cleaned when the grease layer and solids combined measure **thirty percent (30%)** of the depth of the grease interceptor or trap.

(C) The on-duty manager of user must witness all cleaning of grease interceptors to insure that the cleaning is performed completely and properly. To properly clean a grease interceptor the entire contents must be removed, including grease layer cap (floating grease) and sludge pocket (settled solids); failure to remove the sludge pocket (settled solids) from the bottom will result in lower capacity and reduced detention.

(D) Grease Interceptors shall be inspected at least once each week and grease traps shall be inspected at least once each day. In addition to the above requirements, a grease trap shall be serviced and emptied within **twenty-four (24) hours** of a written notice from the City to clean same and a grease interceptor shall be serviced and emptied within **forty-eight (48) hours** of a written notice from the City to clean same.

(E) A maintenance record in the form (Grease Interceptor/Trap Maintenance Record Verification Form) designated within **Appendix "A"** to this Article shall be maintained by the user indicating maintenance and cleaning of grease interceptors and traps. The maintenance record shall be filed with the City on a regular and recurring basis not less often than quarterly. The record shall indicate:

- (1) Each date and time of inspection, cleaning or maintenance;
- (2) Name of person performing inspection, cleaning or maintenance;
- (3) Name of person witnessing inspection, cleaning or maintenance;
- (4) Estimated volume of grease removed;
- (5) Method of grease disposal;
- (6) Verification signed by owner or manager of user.

(F) **Right of Entry and Inspection.** The City Inspector or his authorized designees shall have such right of entry and inspection as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing to determine compliance with this Article.

38-5-95 PROHIBITION ON DISCHARGE OF FATS, OILS AND GREASE.

(A) No user shall discharge a prohibited concentration of fats, oils or grease into City sewers, from a facility required to install and use a grease interceptor or trap.

(B) No user shall reintroduce or deposit into the City sewers any fats, oils or grease which have been removed from the sewer system by grease interceptor or trap.

(C) No user shall deposit or discharge into the City sewers any fats, oils or grease which have been removed from a grease interceptor/grease trap or sewer system outside the City.

38-5-96 REQUIREMENTS FOR GREASE HAULERS.

(A) No person may cause or allow the transportation of fats, oils, or grease away from a grease interceptor at which such materials were collected unless such materials are accompanied by a shipping paper containing information prescribed in paragraph (B). No specific form of shipping paper is required, unless the City prescribes and publishes public notice of the requirement of a specific form.

(B) Each shipping paper shall contain at a minimum the following information:

- (1) The name and telephone number of the owner and operator of the grease interceptor and/or grease trap from which the fats, oils, or grease were collected, the street address of the grease interceptor/trap, an acknowledgment that an authorized representative of the owner or operator witnessed the grease interceptor/trap being cleaned or that the user inspected the interceptor/trap afterward to insure that the interceptor/trap was cleaned properly the volume of fats, oils, and grease and any associated water removed, the legible signature of an authorized representative of the owner or operator and the date of the materials removal; and,
- (2) The name, address, telephone number of the transporter, an acknowledgement of receipt of the collected materials, the legible signature of an authorized representative of transporter, and the date of collection; and
- (3) The name, street address, and telephone number of the facility to which the material was delivered for use, treatment, or disposal, the date and the time of delivery, the volume delivered, and the legible signature of an authorized representative of the receiver verifying the delivery.

(C) The grease interceptor/grease trap owner or operator shall retain a copy of the shipping document for a minimum of **two (2) years**, and shall produce the documents to the City within **thirty (30) days** of each cleaning to the address below.

City of Altamont
C/o Mayor's Office
202 North Second
Altamont, IL 62411

38-5-97 PENALTIES FOR VIOLATION.

(A) The City may suspend water and sewer service when such suspension is necessary in the opinion of the City, in order to stop an actual or threatened discharge which may:

- (1) present an imminent or substantial endangerment to the health or welfare of persons or to the environment;
- (2) cause stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
- (3) cause interference to the City's sewer treatment facility; or
- (4) cause the City to violate any condition of its NPDES permit.

If reasonably possible after consideration of the circumstances, a user shall be notified of the City's intent to suspend water and sewer prior to such suspension. Any person notified of a suspension of water and sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate termination of water and/or sewer service to the user. The City shall reinstate the water and/or sewer service only when such conditions causing the suspension have passed or have been eliminated. A detailed written statement submitted to the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the City within **fifteen (15) days** of the date of the occurrence.

(B) Except where the provisions of this Article relating to suspension of services is applicable, the City shall serve upon any user alleged to be in violation of this Article a written notice stating the nature of the violation. Violations will be processed in the following manner.

- (1) Owners/operators will be required to resample at no cost to the City within **thirty (30) days**.
- (2) Within **five (5) days** of the date of notice the user shall correct the violation or if the violating cannot reasonably be corrected within said **five (5) day** period then within said **five (5) day** period the user shall submit a plan for the satisfactory correction of the violation to the City Inspection Department.

- (3) **Repeat Violations.** Repeated violation being defined as **two (2)** violations of any provision of this Article as determined by the City during any **twelve (12) month** period. Repeat violations will be placed on a compliance schedule as follows:

Within **thirty (30) days** of written notification: Investigate and identify problem(s), prepare and submit a written report as to how the problem will be resolved.

Within **sixty (60) days** of written notification: Complete construction or implement solution.

Within **ninety (90) days** of written notification: Be in compliance or penalties will be assessed.

One hundred twenty (120) days after written notification, if problem not corrected, the City will disconnect water and sewer to violating facility.

(C) Any person violating **Sections 38-5-93(B), 38-5-95(B) or 38-5-95(C)** shall be liable to a civil penalty of not less than **One Thousand Dollars (\$1,000.00)** nor more than **Five Thousand Dollars (\$5,000.00)** for each violation. Each day the violation continues shall be a separate offense.

(D) Any person violating **Sections 38-5-94, 38-5-93(A), 38-5-96(C)** shall be liable to a civil penalty of not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)** for each violation. Each day the violation continues shall be a separate offense.

(E) Any person violating **Sections 38-5-95(A), 38-5-96(A), 38-5-96(B)** shall be liable to a civil penalty of not less than **Fifty Dollars (\$50.00)** nor more than **One Hundred Dollars (\$100.00)** for each violation. Each day the violation continues shall be a separate offense.

(F) **Recovery of Costs.** If the City is required to clean out or replace the public sewer line or repair or replace any pump or other equipment of the public sewer as a result of stoppage resulting from poorly maintained or operating grease interceptor or grease trap or lack thereof or because of a violation of this Article, the user shall be required to refund to the City the labor, equipment, materials, or overhead costs incurred by the City. Said costs shall be added to the user's next scheduled sewer service charge and shall be subject to collection in the same manner as all other charges for sewer service. Nothing in this Section shall be construed to prohibit or restrict any other remedy the City has under this Article or State or federal law.

(Ord. No. 398-05; 04-25-05)

ALTAMONT, ILLINOIS
PRIVATE SEWAGE DISPOSAL APPLICATION

A. The undersigned, being the _____ of the property located
(owner, owner's agent)
at _____ does hereby request a permit to install sanitary sewage
(Number) (Street)
disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [_____] square feet or [_____] square meters.
3. The name and address of the person or firm who will perform the work is _____
4. The maximum number of persons to be served by the proposed facilities is _____
5. The location and nature of all sources of private or public water supply within **one hundred feet (100')** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the City.
2. To accept and abide by all provisions of the **City Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the City and at no expense to the City.
4. To notify the City **at least forty-eight (48) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, 19__ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 19__

\$ _____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 19__ SIGNED: _____
(CITY CLERK)

ALTAMONT, ILLINOIS
RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to install and connect a building
(Number)(Street)
sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>NUMBER</u>	<u>FIXTURE</u>	<u>NUMBER</u>	<u>FIXTURE</u>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of the person or firm who will perform the proposed work is _____
4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

- To accept and abide by all provisions of the **City Code**, and of all other pertinent ordinances and codes that may be adopted in the future.
- To maintain the building sewer at no expense to the City.
- To notify the City when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, 19__ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 19__
\$ _____ (Connection Fee Paid) SIGNED: _____
(CITY TREASURER)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 19__ SIGNED: _____
(CITY CLERK)

ALTAMONT, ILLINOIS
APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for connection to the Water System of the City for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or enacted and passed from time to time providing for the regulation of service furnished by the City, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable within **seventeen (17) days** following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____

(STREET NUMBER AND NAME OF STREET)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(_____
(NAME)

(_____
(STREET NUMBER AND NAME OF STREET)

(_____
(CITY, STATE AND ZIP CODE)

ALTAMONT, ILLINOIS
APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the City now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the City. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable within **seventeen (17) days** following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the City.
6. Permission is hereby granted to the City and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

(APPLICANT'S SIGNATURE)

(STREET NUMBER AND NAME OF STREET)

(OWNER'S SIGNATURE, IF NOT APPLICANT)

(CITY, STATE AND ZIP CODE)

(TELEPHONE NUMBER)

(DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(_____
(NAME)
(_____
(STREET NUMBER AND NAME OF STREET)
(_____
(CITY, STATE AND ZIP CODE)

ALTAMONT, ILLINOIS

R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the City is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **City**.

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

DATE: _____

ADDRESS: _____

OWNER(S): _____

**CITY OF ALTAMONT
EFFINGHAM COUNTY, ILLINOIS**

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the City Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this City.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

- _____ Single-Family Residence
- _____ Multiple dwelling or trailer court
- _____ Commercial
- _____ Industrial
- _____ Institutional
- _____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, 19__.

**CITY OF ALTAMONT
EFFINGHAM COUNTY, ILLINOIS**

SIGNED: _____

CITY OF ALTAMONT
UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **City of Altamont, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of \$_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid \$_____.
- (B) Engineering and Inspection Charge \$_____.
- (C) TOTAL: \$_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

UTILITY DEPARTMENT
CITY OF ALTAMONT, ILLINOIS

BY: _____

ATTEST:

DIRECTOR OF PUBLIC WORKS

CITY CLERK

DEPOSITOR

WITNESSES:

CITY OF ALTAMONT
UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: _____

ADDRESS: _____

TOTAL AMOUNT OF BILL: \$ _____ WATER

\$ _____ SEWER

\$ _____ ELECTRIC

\$ _____ OTHER

SUB-TOTAL: \$ _____

PENALTY: \$ _____

TOTAL DUE: \$ _____

DATE OF HEARING _____

TIME OF HEARING _____

LOCATION OF HEARING _____

PHONE: _____

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and City Clerk, or their designated representative(s), shall preside at the hearing.

CITY CLERK

DATED THIS _____ DAY OF _____, 19__.

NOTE: After services have been shut off there will be a reconnection fee of \$ _____.

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<u>Waste or Chemical</u>	<u>Concentration mg/l</u>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

CHAPTER 40

ZONING CODE

{PRIVATE }ARTICLE I{tc "ARTICLE 1"} - GENERAL PROVISIONS

40-1-1 TITLE. This Code shall be known as and cited as the **Zoning Code of the City of Altamont.**

{PRIVATE }40-1-2 PURPOSE{tc "Section 1-1 PURPOSE"}. In accordance with State law, this Code regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

- (A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on appropriate sites;
- (B) To assist in implementing the Comprehensive Plan, if any;
- (C) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (D) To conserve and increase the value of taxable property throughout the City;
- (E) To ensure the provision of adequate light, air and privacy to the occupants of all buildings;
- (F) To protect persons and property from damage caused by fire, flooding, and improper sewage disposal;
- (G) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- (H) To ensure the proper design and improvement of mobile home parks;
- (I) To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and
- (J) To provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. (See 65 ILCS Sec. 5/11-13-1)

{PRIVATE } 40-1-3 JURISDICTION{tc "Section 1-2 JURISDICTION"}. This Code shall be applicable within the corporate limits of this municipality.

{PRIVATE } 40-1-4 INTERPRETATION{tc "Section 1-3 INTERPRETATION"}. Every provision of this Code shall be construed liberally in favor of this municipality, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other

lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

{PRIVATE } **40-1-5** **DISCLAIMER OF LIABILITY**{tc "**Section 1-4 DISCLAIMER OF LIABILITY**"}.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

(B) Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings. (See “**Local Governmental and Governmental Employees Tort Immunity Act**”, Ill. Comp. Stat., Ch. 745 Secs. 10/1-101)

40-1-6 **SEVERABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-7 **REVIEW.** This Code shall be reviewed every **five (5) years** after its effective date by the Board of Appeals. After the review, they shall file their reports and recommendations with the corporate authorities.

{PRIVATE }ARTICLE II - {tc "ARTICLE 2"}DEFINITIONS

{PRIVATE }40-2-1 CONSTRUCTION OF TERMS{tc "Section 2-1 CONSTRUCTION OF TERMS"}. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in Section 40-2-2 unless the context clearly indicates otherwise; terms not defined in Section 40-2-2 shall have their standard English meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory.

(F) The term "may" is discretionary.

(G) The words "lots," "parcel," "tract," and "site" shall be synonymous.

(H) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

(J) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(K) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

{PRIVATE }40-2-2 SELECTED DEFINITIONS{tc "Section 2-2 SELECTED DEFINITIONS"}.

Abutting: As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

Access Way: A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

Accessory Use: Any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C) Located on the same lot as the principal use or structure served.

Administrator: The official appointed by the Mayor with the advice and consent of the City Council to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Aisle: A vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure or the moving from one location to another.

Amendment: A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Apartment Hotel: A multiple-family dwelling which furnishes for its tenants services customarily provided by hotels, but which does not furnish such services to the transient public.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Auditorium: A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc.

Basement: A story having **one-half (1/2)** or more of its height below the average level of the adjoining ground.

Bed and Breakfast: An operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

Billboard: A sign advertising a commodity, business, service, or event not available or conducted upon the premises where such sign is located or to which it is affixed.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Appeals: The Zoning Board of Appeals of the City.

Boarding House: A building or portion thereof--other than a hotel, motel, or apartment hotel--containing lodging rooms for **three (3)** or more persons who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods.

Buffer Strip: An area of land undeveloped except for landscaping fences, etc., used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

Building: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building, Enclosed: A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Building Height: The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building, Principal: A non-accessory building in which the principal use of the premises is conducted.

Bulk: Any one or any combination of the following:

- (A) Size or height of structure;
- (B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) Floor/area ratio;
- (D) Yards or setbacks;
- (E) Lot coverage.

Camping Trailer: A mobile structure designed for temporary occupancy.

Camping Trailer Park: A lot developed with facilities for accommodating temporarily occupied camping trailers.

Centerline:

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline, where a right-of-way has been widened irregularly;
- (C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore may be occupied or used.

Certificate of Zoning Compliance, Final: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Church or Building for Religious Worship: A building used by a corporate religious institution that people regularly attend to participate in religious services, meetings and other customary, integrally related religious activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association or persons who are bonafide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Community Residence: A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. **Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.**

Community Residence - Large: A community residence serving **nine (9) to fifteen (15) persons** with handicaps.

Community Residence - Small: A community residence serving **eight (8)** or fewer persons with handicaps in a family-like atmosphere.

Conforming: In compliance with the applicable provisions of this Code.

Convenience Shop: Any small retail commercial or service establishment offering goods/services.

Day Care Center: See "Nursery School."

Deck: An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

District Zoning: A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Drive-In Restaurant or Refreshment Stand: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

- (A) Primarily intended for immediate consumption;
- (B) Available after a short waiting time; and
- (C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public. Modular dwellings on permanent foundations shall be treated in the same manner as conventionally constructed dwellings (see definition for modular and permanent foundation).

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Single-Family: A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

Dwelling, Two-Family: A dwelling containing **two (2) dwelling units**.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property for certain limited purposes.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: Build, construct.

Essential Governmental or Public Utility Services: The erection, replacement, construction, alteration, or maintenance by public utilities or governmental departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings.

Establishment: Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Existing, constructed or in operation, on the effective date of this Code.

Extend: To increase the amount of floor area or land area devoted to an existing use.

Family:

(A) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(C) A group of not more than **four (4)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

Farmer: The operator of a farm spending **fifty percent (50%)** or more of his/her work time annually in farming or ranching. Land rented to or otherwise assigned to a tenant for operation shall be considered as the operation of the tenant, not the owner.

Farm Residence: The dwelling(s) of the owner, farm operator or full-time farm employees of the farmer. Buildings occupied as residences by those not engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Floor Area, Gross: As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

Freight Terminal: as applied to motor carriers subject to the **Illinois Compiled Statutes, Chapter 625, Section 18c-1101 et seq.**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

Frontage: The lineal extent of the front (street-side) of a lot.

Garage: A structure designed and primarily used for the storage of motor vehicles, whether free of charge or for compensation.

Government: The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

Hardship: A situation in which the strict application of the provisions of this Code will result in a condition which is difficult for the person(s) so affected by the provisions to endure, and is not caused by actions of such person(s).

Home Occupation: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. (See Section 40-5-7.)

Hotel: An establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms.

Immobilize: As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch and place on a permanent foundation.

Intensify: To increase the level or degree of.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Junk Yard: An open area of land and any accessory structures thereon that are used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition or parts thereof, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which **three (3)** or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel, Commercial: Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals over **four (4) months** of age, not including domesticated livestock. Commercial activities may include, but need not be limited to, public boarding, wholesaling of dogs or domesticated animals and the sale of items or products related to dogs or domesticated animal care.

Kennel, Private: Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals, not including domesticated livestock. All dogs or domesticated animals kept must be owned or co-owned or under contract to the owner or lessor of the site.

Landscape Fence: means a non-obstructive fence, no greater than **four (4) feet** in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record."

Lot, Corner: A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: The lot boundary abutting the street.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded or registered with the County Recorder of Deeds, in accordance with State law.

Lot Size Requirement: Refers to the lot area, width, and depth requirements of the applicable district.

Lot Size/Bulk Variance: A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot Size/Bulk Variance goes with the property.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

Mini-Warehouses: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals or businesses for a monthly fee.

Mobile Home: As defined by this Code a mobile home is a factory-fabricated single family home built on a permanent chassis that consists of wheel, undercarriage, and towing hitch assemblies. The average length of the mobile home (excluding garages, carports, porches, or attachments) is in excess of **three (3) times** its average width. Mobile homes shall have a minimum of **nine hundred (900) square feet** of floor area and must contain a complete kitchen and sanitary facilities. Mobile homes moved into Altamont shall meet the HUD Federal Mobile Home Construction and Safety Standards.

Mobile Home, Dependent: A mobile home which does not have a toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.3)

Mobile Home, Double-Wide: Consists of **two (2)** mobile units joined at the site into a single home, but kept on their separate chassis for repeated transportation to a site.

Mobile Home, Immobilized: Any mobile home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The City Council establishes the following criteria to complete the immobilization of a mobile home:

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the front line shall satisfy the requirement for a permanent foundation.

(B) As an alternative to paragraph (A) above, piers may be used, extending into the ground below the frost line and sufficient in number to properly support the mobile home.

(C) To complete the immobilization, wheels, tongue, and hitch must be removed. Axles may be removed.

Mobile Home, Independent: A mobile home which has self-contained toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.4)

Mobile Home Lot: A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Mobile Home Pad: That part of an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

Mobile Home Park: A tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park. (See 210 ILCS Sec. 115/2.5)

Mobile Home Park License: A permit issued by the Administrator authorizing the operation of a mobile home park in accordance with all applicable regulations.

Mobile Home Sales Area: A parcel of land used for the display, sale and repair of new or used mobile homes.

Mobile Home Space: A portion of a mobile home park designed for the use or occupancy of **one (1)** mobile home.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab on which the home is placed and to which it is anchored.

Mobile Housing Unit: Includes all forms of housing units listed in this Section and as regulated in this Code.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: As defined by this Code a modular home is a factory-fabricated single family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter permanent foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home must have a minimum 3/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall meet either the National Manufactured Home Construction and Safety Standards (HUD Code) or the Building Code (BOCA).

Motel: A motel for motorists, usually with blocks of rooms opening directly onto a parking area. Also called motor court.

Noisome and Injurious Substances, Conditions and Operations:

(A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.

(B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

(C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

(D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any person(s).

(E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.

(F) Creation or causation of an unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(G) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.

(H) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

(I) Any public nuisance.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code, but (2) not in compliance with the applicable provisions thereof.

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life. **(See Chapter 25 of the Revised Code)**

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

Nursery School: An establishment for the part-time care and/or instruction (at any time of day) of **four (4)** or more unrelated children of predominantly pre-elementary or elementary school age.

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office: Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Official Map: The portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the City.

Off-Street Parking Area: Land that is improved and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may either a principal use or an accessory use.

Off-Street Parking Space: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

Patio: An at-grade -paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

Permanent Foundation: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate., Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation, except where Flood Plain requirements prevail.

Permanent Habitation: A period of **two (2)** or more months. (See 210 ILCS Sec. 115/2.2)

Permitted Uses: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

Person: Any individual, firm, association, organization, or corporate body.

Plan: The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

Planned Development Project: A residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

Planned Unit Development: A tract of land which is planned as a whole for development under single ownership or control in accordance with this Code, and which, by virtue of such unified planning and development, provides greater amenities, convenience, or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may be a planned unit commercial or planned unit residential development.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Private Street: Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

Public Buildings: Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

Public Open Space: Any publicly-owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

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

Public Utility Services: Means and includes facilities providing those services used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water or light except when used solely for communications purposes. Public Utility Services does not mean and shall not include facilities designed or intended to be used for the transmission of telephone messages or any other form of telecommunications.

Quick Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, mobile home park or similar development. No liquor or gasoline shall be sold in this shop.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.

Recreational Vehicle (RV) Park: See Camping Trailer Park.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Residence: A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences shall be placed on a full perimeter foundation extending below the frost depth unless located in a Special Flood Hazard Area, and shall have a minimum 3/12 pitch roof. All residences shall have a minimum of **nine hundred (900) square feet** of living area and shall be built in conformity with the BOCA Building Code.

Retail: Refers to the sale of goods and services directly to the consumer rather than to another business.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

Satellite Dish: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of view and noise control.

Semi-Finished Materials: Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry for assembly or manufacture into consumer goods.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use or establishment where services are provided for remuneration either to individuals or to other firms.

Setback: The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

Sign: Any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term “sign” includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term “sign” excludes features of a building which are an integral part of the building’s design (e.g., the “castle-look” of a White Castle restaurant).

Sign, Canopy/Marquee: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee or similar overhang.

Sign, Flush-Mounted: Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Sign, Freestanding: Any sign supported by **one (1)** or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

Sign, Projecting: Any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

Sign Area: The entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Code.

Sign Area Allowance: The maximum total sign area of all signs that an establishment is permitted to display.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit. A special use permit may not be transferable.

Stable: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stoop: A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street Line: The street right-of-way line abutting a lot line.

Structure: Anything constructed or erected on the ground, or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Telecommuting: Working in the home by using a computer terminal or other terminal connected by a telephone line or by other means to a central office or central computer.

Temporary Use Permit: A permit issued in accordance with the provisions of this Code and valid for not more than **one (1) year**, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

Topography: The relief features or surface configuration of an area.

Trailer: See "Camping Trailer."

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Use Variance: A type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Vacant as applied to a lot, means that no structure is situated thereon.

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Wholesale: Refers to the sale of goods or services by one business to another business.

Window Sign: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Front: A yard which is bounded by the side lot lines, front lot line and the building line.

Yard, Rear: A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Administrator; Zoning Official or Zoning Officer: The Zoning Administrator of this municipality or his authorized representative.

Zoning Map: The map(s) and any amendments thereto designating zoning districts. The zoning map is incorporated into this Code.

{PRIVATE }ARTICLE III - {tc "ARTICLE 3"}ZONING REGULATIONS

DIVISION I - GENERAL REGULATIONS

{PRIVATE }40-3-1 ESTABLISHMENT OF DISTRICTS{tc "Section 3-1 ESTABLISHMENT OF DISTRICTS"}. In order to implement this Code, and to achieve the objectives in Article I, the entire municipality is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural	A-1	3 acres
Single Family Residence (Large)	SR-1	5 acres
Single Family Residence (Small)	SR-2	5 acres
Multi-Family Residence	MR-1	5 acres
Multi-Family Residence	MR-2	3 acres
Mobile Housing	MH-1	3 acres
Neighborhood Business	B-1	1 acre
Downtown Business	B-2	2 acres
Highway Business	B-3	3 acres
Industrial	I-1	5 acres
Flood Plain Overlay	F	N/A

* The “minimum area” requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

{PRIVATE }40-3-2 MAP - ANNUAL PUBLICATION{tc "Section 3-2 ZONING MAP AND DISTRICT BOUNDA"}. The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this municipality. The zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. Official copies of the zoning map shall be kept on file in the office of the Zoning Administrator or other appropriate official.

In accordance with State Law, the Administrator shall publish the City's zoning map not later than **March 31st** of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations. (See **65 ILCS Sec. 5/11-13-19**)

NOTE: The map shall be published if there are any annexations.

40-3-3 DETERMINING TERRITORIAL LIMITS. In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- | | |
|--|------------------------------------|
| (1) Center line of any street,
alley or highway | Such centerline. |
| (2) Lot line | Such lot line. |
| (3) Railroad tracks | Right-of-way line of
such track |

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) All territory (including bodies of water) that lies within the zoning jurisdiction of this municipality, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district.

40-3-4 ANNEXED TERRITORY. Any territory hereafter annexed to the municipality shall automatically be in the SR-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the City Council, with the advice of the Board of Appeals, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met. (See Sec. 40-10-30 for amendments)

{PRIVATE }**40-3-5 GENERAL PROHIBITION**{tc "**Section 3-3 GENERAL PROHIBITION**"}. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A) **Agricultural Exemption.** The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion.

{PRIVATE }40-3-6 UNLISTED USES PROHIBITED{tc "**Section 3-4 UNLISTED USES PROHIBITED**"}. Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Board of Appeals, following consultation with the Zoning Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may prepare a written ruling to that effect and classify the use as a use permitted by right. The Board's decision shall become a permanent public record.

{PRIVATE }40-3-7 TEMPORARY USES{tc "**Section 3-5 TEMPORARY USES**"}. Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than **one (1) year** unless it is properly renewed (**See Section 40-10-29**).

{PRIVATE }

40-3-8 MEETING MINIMUM REQUIREMENTS{tc "**Section 3-6 ONE BUILDING AND ALL YARDS ON ONE LOT**"}. Except as specifically provided otherwise:

- (A) Only one principal building or structure shall be permitted on any residential lot; and
- (B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use. (**See Sec. 40-8-2**)

{PRIVATE }40-3-9 ACCESS REQUIRED{tc "**Section 3-7 ACCESS REQUIRED**"}. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street.

{PRIVATE }40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS{tc "**Section 3-8 FRONT SETBACKS - CORNER/THROUGH LOTS**"}. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in the Central Business district and in all residential zoning districts, where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that block shall be the average of the existing front set-backs; provided however, that in any built-up area, no front

setback shall be less than **fifteen (15) feet**, nor shall any front setback greater than **fifty (50) feet** be required.

{PRIVATE }40-3-12 YARD INTRUSIONS{tc "**Section 3-10 INTRUSIONS INTO YARDS**"}. To the extent indicated below, the following features of principal buildings may intrude into yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSIONS</u>
(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios	Six (6) feet.
(D) Porches and stoops, if enclosed, unroofed, and at no higher than two (2) steps above ground level	Six (6) feet.
(E) Balconies, decks, porches	Four (4) feet.
(F) Canopies, roof overhangs	Four (4) feet.

*In SR-2 districts intrusions shall not exceed **one-half (1/2)** of the required side yard setback.*

{PRIVATE }40-3-13 HEIGHT - EXCEPTIONS{tc "**Section 3-11 EXCEPTIONS TO HEIGHT LIMITS**"}.
HEIGHT LIMITS"}.
(A) Necessary appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the City.

(B) Intersections. On corner lots, in the triangular portion of land bounded by the street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street. **(See Figures 1 and 2 at the end of this Code.)**

40-3-14 SEWER AND SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred (100) feet**, all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the public sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, (**Ill. Comp. Stat., Ch. 225; Sec. 225/1 through 225/23**) as amended from time to time; and
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time; and
- (3) Pertinent, current regulation issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and regulations of the City, particularly the **Subdivision Code**.

The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the City Engineer, he is satisfied that these requirements will be met. (**Also, see Chapter 38 entitled "Utilities" of Revised Code**)

{PRIVATE }40-3-15 ACCESSORY USES - PERMITTED{tc "Section 3-12 ACCESSORY USES"}.

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

- (1) meets the definitions of "accessory use" found in **Section 40-2-2**;
- (2) is accessory to a principal structure or use that is allowed in a particular zoning district as permitted or special use; and
- (3) is in compliance with restrictions set forth in **Section 40-3-16**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. (**See Definition of "Attached" in Section 40-2-2**)

40-3-16 ACCESSORY USE RESTRICTIONS.

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(B) **Schedule.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; as provided in Section 40-3-17 at the conclusion of the Code.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the City.

(E) **Accessory Uses.** *Accessory uses shall not be located on a utility easement.*

{PRIVATE } 40-3-17 AREA BULK REGULATIONS. To facilitate public understanding of this Code, the Area-Bulk Regulation Schedule is hereby adopted and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code. The Schedule is found at the conclusion of this Code.

40-3-18 - 40-3-19 RESERVED.

DIVISION II - PLANNED DEVELOPMENTS

40-3-20 **PLANNED DEVELOPMENT DEFINED.** As used in this Division, the term “planned development” or “PD” means a development wherein, in accordance with an approved development plan:

- (A) common open space is reserved;
- (B) various housing types and other structures and uses may be mixed and/or
- (C) overall average density does not exceed the usual zoning district limit.

40-3-21 **OBJECTIVES.** This Section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following objectives:

- (A) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-3-22 **COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.** Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning code and the Subdivision Code.

40-3-23 **DISTRICTS WHERE ALLOWED.** Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the City Council after a hearing before the Board of Appeals. (See Sec. 40-10-26)

40-3-24 **PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.** The Planned Development concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Board of Appeals, provided that in approving such mixed uses, the Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. “Lot and structure requirements” means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article V** of this Code.

40-3-25 **PROCEDURES FOR PLANNED DEVELOPMENTS.** Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
 - (B) Review of plans by Plan Commission;
 - (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
 - (D) Recommendation by Plan Commission; if any;
 - (E) Public hearing by the Board of Appeals as per the requirements of **Article X**
- Administration;**
- (F) Recommendation of the Board of Appeals regarding approval/rejection of the development plan;
 - (G) Recording of development plan with the County Recorder of Deeds;
 - (H) Approval of City Council.

40-3-26 **APPLICATION; INFORMATION REQUIRED.** Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

40-3-26.1 **WRITTEN DOCUMENTS.**

- (A) Legal description of the total site proposed for development;
- (B) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (C) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (D) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (E) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (F) Data indicating:
 - (1) total number and type of proposed dwelling units;
 - (2) gross and net acreage of parcel;
 - (3) acreage of gross and usable open space; and
 - (4) area of any commercial uses.

40-3-26.2 **GRAPHIC MATERIALS.**

- (A) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (B) Proposed lot lines and plot designs;
- (C) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (D) Location and size in acres or square feet or all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (E) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (F) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (G) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
- (H) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

- (I) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (J) Any additional information required by the City to evaluate the character and impact of the proposed PD.
- (K) Appropriate seals of the licensed surveyor, engineer or architect.

40-3-27 **CRITERIA CONSIDERED.** The Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their recommendation, the Board of Appeals shall consider the following criteria:

- (A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
- (B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.
- (C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
- (D) The compatibility of the proposed PD with adjacent properties and surrounding area; and
- (E) Any other reasonable criteria that the Board of Appeals may devise.

40-3-28 **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall not recommend any PD unless:

- (A) The developer has posted a performance bond or deposited funds in escrow in the amount of the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
- (B) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

40-3-29 **CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PD Development Plan, except as follows:

- (A) **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

- (B) All other changes shall require a public hearing before the Board of Appeals.
- (C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. (See Article X - Division V)

40-3-30 **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

- (A) The special-use permit shall be automatically revoked; and
- (B) any zoning permits shall automatically become null and void; and
- (C) all regulations applicable before the PD was approved shall automatically be in full effect.

40-3-31 **MUNICIPAL EXEMPTION.** In conjunction with any existing or proposed development, the City shall be exempt from all of the provisions of this Section.

ARTICLE IV

REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I - AGRICULTURAL DISTRICT (A-1)

40-4-1 **“A-1” - AGRICULTURAL DISTRICT.** The “A-1” Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

40-4-2 **SPECIAL RESTRICTIONS.** In the “A-1” District, only **one (1) principal dwelling** shall be situated on any **one (1) lot**.

40-4-3 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “A-1” District shall conform to the following requirements:

- | | | |
|-----|--|----------|
| (A) | Minimum Lot Area | 3 Acres |
| (B) | Minimum Lot Width at the established building line | 150 feet |
| (C) | Minimum Lot Depth | 200 feet |
| (D) | Minimum Setbacks | |
| | (1) From front lot line | 50 feet |
| | (2) Total for both side yard lines | 25 feet |
| | (3) From either side lot line | 10 feet |
| | (4) From rear lot line | 25 feet |
| | (5) From side yard abutting street | 50 feet |
| (E) | Maximum Building Height | 35 feet |
- (Does not apply to accessory agricultural structures)

[See Appendix for illustrations.]

40-4-4 **PERMITTED USES.** The following uses shall be permitted in the “A-1” - **Agricultural District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-12** are met.

All uses commonly classified as agriculture, apiculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery operations, dairy farming, livestock raising, animal and poultry breeding, raising and feeding of animals, forestry operations together

with building and the operations of machinery or vehicles, but not including stockyards or agricultural product processing plants other than for agricultural use.

Cemeteries.

Farm residences, existing prior to **July 1, 1995**, may be sold off of an existing agricultural zoned plot, provided at least **two and one-half (2.5) acres** is deeded with the residence. These residences must meet exception 9 of the State Plat Act.

Fish and game preserves.

Government uses of this municipality.

Greenhouses and nurseries, wholesale.

Governmental use facilities and buildings for the County.

Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another lot and must meet setbacks from the lot line, whichever is greater.

Modular homes.

Non-commercial recreational activities.

Parks, forest preserves, and recreational areas, when publicly owned and operated.

Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.

Single-family detached residences.

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Accessory uses in accordance with Section 40-3-13.

40-4-5 **SPECIAL USES.** The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the **“A-1” - Agricultural District**:

Agricultural implement and machinery sales, service and repair.

Airports or aircraft landing fields.

Animal feed, storage, preparation, grinding, and mixing--wholesale and retail.

Animal hospitals, provided that adequate safeguards, structural, mechanical, and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.

Bed and breakfast establishments.

Blacksmith or welding shops.

Churches, rectories, and parish houses.

Commercial recreation areas or camps.

Communication towers.

Construction-related equipment, limited storage of.

Fairgrounds.

- Fertilizer sales, including bulk storage and mixing.
- Golf courses, and country clubs, of regulation size, but not commercially operated driving ranges or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500) feet** to any dwelling on another zoning lot.
- Governmental facilities and uses, other than the City.
- Grain elevators and storage, commercial.
- Greenhouses and nurseries, retail--including landscaping operations.
- Home occupations, that do not comply with Section 40-5-7.
- Hospitals, clinics, and sanitariums.
- Kennels, commercial.
- Livestock depots and sales yards.
- Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- Marinas.
- Mineral extraction and storage.
- Mobile Homes.
- Oil Wells.
- Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business.
- Propane and fuel oil sales.
- Public service uses, other than the City, including utility substations, filtration plants, pump stations, water reservoirs, police and fire stations.
- Radio and television towers.
- Sanitary and natural material landfills to include any combustible or non-combustible materials.
- Sawmills.
- Schools and colleges for academic instruction.
- Stables, commercial.
- Storing explosives of any kind.

40-4-6 RESERVED.

DIVISION II - SINGLE-FAMILY DISTRICTS

40-4-7 “SR-1” - SINGLE-FAMILY RESIDENCE DISTRICT (LARGE LOT).

In the “SR-1”, Single-Family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (mobile homes, manufactured mobile homes, duplexes, apartments, etc.) are prohibited uses in this district.

40-4-8 SPECIAL RESTRICTIONS. In the “SR-1” District, only **one (1)** principal building (single-family) shall be situated on any **one (1) lot**. The living area shall have a minimum of **nine hundred (900) square feet**.

40-4-9 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the “SR-1” District shall conform to the following requirements:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

40-4-10 PERMITTED USES. The following uses shall be permitted in the “SR-1” - Single-family Residential District:

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-12** are met.

Single-family detached residence.

Accessory uses in accordance with **Section 40-3-16**.

Government uses of this municipality.

40-4-11 **SPECIAL USES.** The following special uses may be allowed by special-use permit in accordance with **Section 40-10-24** of this Code in the “**SR-1**” District:

- Bed and breakfast establishments.
- Cemeteries and mausoleums in conjunction therewith.
- Churches and other places of formal worship.
- Day care or nursery schools.
- Government uses other than those of the municipality.
- Group homes.
- Home occupations. (**See Section 40-5-7**)
- Modular homes. (**See Section 40-2-2**)
- Private recreational areas or campus, when not operated for profit.
- Public libraries, community centers or grounds.
- Railroad rights-of-way and trackage.
- Schools: Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.
- Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

40-4-12 - 40-4-15 **RESERVED.**

DIVISION III - SINGLE-FAMILY DISTRICT (SR-2)

40-4-16 **“SR-2” - SINGLE-FAMILY DISTRICT (SMALL LOT).** The “SR-2”, Single-Family Residence District encompasses areas suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing subdivision offering a range of new single-family housing. Other types of residences (manufactured homes, *modular homes*, duplexes, etc.) are permitted in this district by special-use *permit*.

40-4-17 **SPECIAL RESTRICTIONS.** In the “SR-2” District, only **one (1) principal building** (single-family) shall be situated on any **one (1) lot**.

40-4-18 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “SR-2” District shall conform to the following requirements:

(A)	Minimum Lot Area	6,000 sq. ft.
(B)	Minimum Lot Width at the established building line	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	18 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	6 feet
	(4) From rear lot line	20 feet
	(5) From side yard abutting street	15 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-19 **PERMITTED USES.** The following uses shall be permitted in the “SR-2” - **Single-family Residential District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-12** are met.

Single-family detached residences.

Accessory uses in accordance with **Section 40-3-16**.

Government uses of this municipality.

40-4-20 **SPECIAL USES.** The following uses may be allowed in the “SR-2” District by special-use permit in accordance with Section 40-10-24, to-wit:

Churches and other places of formal worship.

Duplexes.

Government uses other than those of the municipality.

Group homes.

Home occupations. (See Section 40-5-7)

Manufactured homes, modular homes. (See Section 40-2-2)

Private recreational areas or campus, when not operated for profit.

Public libraries, community centers or grounds.

Railroad rights-of-way and trackage.

Schools: Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

40-4-21 - 40-4-30 **RESERVED.**

DIVISION IV - MULTIPLE-FAMILY DISTRICTS (MR-1)

40-4-31 **“MR-1” - MULTIPLE-FAMILY RESIDENCE DISTRICT.** The “MR-1”, Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family and multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-32 **LOT AND BUILDING REQUIREMENTS.** Every principal building in the “MR-1” District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the “MR-1” District shall comply with all applicable regulations of the “MR-1” District.

(A)	Minimum Lot Area	10,000 sq. ft. 4,500 sq. ft. per unit, which- ever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	6 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-33 **PERMITTED USES.** The following uses shall be permitted in the “MR-1” - **Multiple-Family Residential District:**

Any use permitted in the “SR-1” District. (Section 40-4-10)
Duplex (two-family dwellings).

40-4-34 **SPECIAL USES.** The following uses may be allowed in the “MR-1” District by special-use permit in accordance with **Section 40-10-24:**

Any special-use in the “SR-1” District. (See Section 40-4-11)
Day care center.
Multiple family dwelling.
Nursing homes.
Utility substations.

40-4-35 - 40-4-36 **RESERVED.**

DIVISION V - MULTIPLE-FAMILY DISTRICTS (MR-2)

40-4-37 **“MR-2” - MULTIPLE-FAMILY RESIDENCE DISTRICT.** The “MR-2”, Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-38 **LOT AND BUILDING REQUIREMENTS.** Every principal building in the “MR-2” District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the “MR-2” District shall comply with all applicable regulations of the “MR-2” District.

(A)	Minimum Lot Area	10,000 sq. ft. 2,500 sq. ft. per unit, which- ever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	30%

40-4-39 **PERMITTED USES.** The following uses shall be permitted in the “MR-2” - **Multiple-Family Residential District:**

Any use permitted in the “MR-1” District. (Section 40-4-33)
Multiple-family dwellings.

40-4-40 **SPECIAL USES.** The following uses may be allowed in the “MR-2” District by special-use permit in accordance with **Section 40-10-24:**

Any use permitted as a special-use in **Section 40-4-34.**
Convenience shops and quick shops (e.g., small drugstore, food store, laundromat).

40-4-41 - 40-4-45 **RESERVED.**

DIVISION VI - MOBILE HOUSING DISTRICT (MH-1)

40-4-46 **“MH-1” - MOBILE HOUSING DISTRICT.** The “MH-1”, Mobile Housing District is primarily intended to provide areas suitable for the placement of manufactured homes on individual lots and for the establishment of mobile home parks. This district is intended to preserve other residential districts for conventionally constructed single-family dwellings.

40-4-47 **MOBILE HOUSING LOT OWNERSHIP.** All manufactured housing or modular units located outside an approved mobile home park shall be located on property owned by the owner of the housing unit.

All units shall meet the Housing and Urban Development Federal Code known as the “**National Manufactured Home Construction and Safety Standards**” or the “**Illinois Mobile Home and Manufactured Housing Safety Act**”. All units shall meet all local maintenance codes.

40-4-48 **LOT AND BUILDING REQUIREMENTS, GENERALLY.**

NOTE: Special lot and building requirements are applicable to mobile home parks.
(See Section 40-4-51)

(A)	Minimum Lot Area	7,000 sq. ft.
(B)	Minimum Lot Width at the established building line	60 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces

40-4-49 **PERMITTED USES.** The following uses shall be permitted in the “**MH-1**” - Mobile Housing District:

Any use permitted in the “**MR-1**” District. (See Section 40-4-33)

Manufactured homes and modular homes, provided said units conform to all applicable requirements of the Revised Code. (See Chapter 23)

DIVISION VII - NEIGHBORHOOD BUSINESS DISTRICT (B-1)

40-4-56 **DESCRIPTION.** The “B-1”, Neighborhood Business District, as delineated on the zoning map, encompasses small commercial enclaves located within predominantly residential areas. Only selected small-scale sales and service facilities that constitute a convenience to residents of the immediate neighborhood may locate in this district. These commercial establishments must be compatible in design and operation with an essentially residential environment.

40-4-57 **SPECIAL RESTRICTIONS.** The following use restrictions shall apply:

(A) **Retail Only.** Every commercial or service establishment located in this district shall deal directly with consumers.

(B) **Enclosed Buildings.** All commercial, service and storage activities shall be conducted within completely enclosed structures.

(C) **Limited Size.** The gross floor area of any commercial or service establishment located in this district shall not exceed **three thousand (3,000) square feet.**

(D) **No Drive-Ins.** No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.

(E) **Access Ways.** Any access way (driveway) to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.

(F) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(G) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

(H) **Signs.** See Article VI.

40-4-58 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “B-1” District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width	75 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	15 feet
	(3) From either side lot line	5 feet

	(4)	From rear lot line	25 feet
	(5)	From side yard abutting street	25 feet
(E)		Maximum Structure Height	35 feet
(F)		Off-Street Parking	See Article VII

40-4-59 **PERMITTED USES.** Provided all the use restrictions of this district are observed, the following uses are permitted:

- Churches and other places of formal worship.
- Clubs and lodges.
- Commercial establishments.
- Government uses of this municipality.
- Group homes.
- Home occupations.
- Libraries, museums.
- Offices.
- Service establishments.
- Accessory uses in accordance with Section **40-3-16**.

40-4-60 **SPECIAL USES.** Provided all the use restrictions of this district are observed, the following uses may be allowed by special-use permit.

- Dwelling units, if located above the first story.
- Governmental uses other than those of this municipality.
- Quick shop.
- Taverns.
- Utility substations.

40-4-61 - 40-4-62 **RESERVED.**

DIVISION VIII - CENTRAL BUSINESS DISTRICT (B-2)

40-4-63 **DESCRIPTION.** The “B-2”, Central Business District encompasses the concentrated pedestrian-oriented commercial area of this municipality. Stores and other facilities providing a wide range of retail goods and services to the general public may be located within this district.

40-4-64 **USE RESTRICTIONS.** The following use restrictions shall apply:

(A) **Retail Only.** Every commercial or service establishment located in this district shall deal directly with consumers.

(B) **Processing Incidental.** Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.

(C) **Unenclosed Activities--Special-Use Permit.** In this district, a special use permit is required to conduct any commercial, service or storage activities outside a completely enclosed building.

(D) **No Drive-Ins.** No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.

(E) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(F) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(H) **Signs.** **See Article VI.** *However, a freestanding sign may be located on the property line in this district only.*

40-4-65 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “B-2” Central Business District shall conform to the requirements indicated below:

- | | | |
|-----|--|---|
| (A) | Minimum Lot Area | None |
| (B) | Minimum Lot Width at established building line | 30 feet |
| (C) | Minimum Lot Depth | None |
| (D) | Minimum Setbacks | Generally none required except as necessary to achieve compliance with applicable off-street parking and loading requirements. (See Article VII)
However, any lot abutting a residential district shall conform to the front and side setback requirements of such district. |
| (E) | Maximum Building Height | 60 feet |

40-4-66 **PERMITTED USES.** Provided all the use restrictions of this district (See **Section 40-4-64**) are observed, the following uses are permitted:

- Auditoriums, meeting rooms, and other places of assembly.
- Clubs and lodges.
- Commercial establishments, except those listed in **Section 40-4-67**.
- Government uses of this municipality.
- Libraries, museums.
- Offices.
- Service establishments, except those listed in **Section 40-4-67**.
- Accessory uses in accordance with **Section 40-3-16**.

40-4-67 **SPECIAL USES.** Provided all the use restrictions of this district (See **Section 40-4-53**) are observed, the following uses may be allowed by special-use permit.

Any use that involves commercial, service or storage activities conducted outside completely enclosed buildings.

Any use, such as drive-in restaurants, drive-in banks, service stations, etc., that offers goods or services directly to customers waiting in parked vehicles, or that sells food or beverages for consumption on the premises in parked motor vehicles.

- Churches and other places of formal worship.
- Dwelling units, if located above the first story.
- Governmental uses other than those of this municipality.
- Group homes.
- Medical/dental clinics.
- Nursing homes.
- Taverns.
- Utility substations.
- Any use permitted in the “B-1” district.

40-4-68 - 40-4-69 **RESERVED.**

DIVISION IX - HIGHWAY BUSINESS DISTRICT (B-3)

40-4-70 **DESCRIPTION.** The “B-3” Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses--both retail and wholesale--draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

40-4-71 **USE RESTRICTIONS.**

(A) **Repairs Indoors.** All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by walls or solid fences at least **eight (8) feet** high.

(B) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(C) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(D) **Parking.** See Article VII.

(E) **Signs.** See Article VI.

40-4-72 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “B-3” Highway Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Total for both side yard lines	50 feet
	(3) From either side lot line	20 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	50 feet
(E)	Maximum Building Height	45 feet
(F)	Maximum Percent Coverage Per Lot	50%

40-4-73 **PERMITTED USES.** Provided all the use restrictions of this district (See Section 40-4-71) are observed, the following uses are permitted:

Any use permitted in the “B-2” district.

Churches and other places of formal worship.

Clubs and lodges.

Commercial establishments, any type, including drive-in facilities. Such uses as the following are especially appropriate in this district:

- bowling alleys
- furniture and appliance sales
- greenhouses
- lumber and building supplies sales
- miniature golf courses
- manufactured home and recreational vehicles sales
- motor vehicles sales.

Government uses of this municipality.

Offices.

Service establishments, any type, including drive-in facilities. Such uses as the following are especially appropriate in this district:

- animal hospitals
- banks and other financial institutions
- motels
- motor vehicles services
- restaurants
- service stations (See Sec. 40-5-4)

Accessory uses in accordance with Section 40-3-16.

40-4-74 **SPECIAL USES.** Provided all the use restrictions of this district are observed, the following uses may be allowed by special-use permit:

Freight and bus terminals, and related transportation facilities.

Governmental uses other than those of this municipality.

Research and development facilities not involving explosives, flammable gases, or liquids, or live animals.

Utility substations. (See Section 40-5-10)

Warehousing and wholesaling of any goods except explosives, flammable gases, or liquids, or live animals.

40-4-75 **RESERVED.**

DIVISION X - INDUSTRIAL DISTRICT

40-4-76 **“I-1” - INDUSTRIAL DISTRICT.** The “I-1”, Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-4-77 **USE RESTRICTION.**

(A) **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **eight (8) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this district abuts any other district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

(D) **Parking.** See Article VII.

(E) **Signs.** See Article VI.

40-4-78 **LOT AND STRUCTURE REQUIREMENTS.**

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at the established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) From any side lot line	25 feet
	(3) From rear lot line	25 feet
	(4) From side yard abutting street	50 feet
(E)	Maximum Structure Height	60 feet
(G)	Maximum Percent Coverage Per Lot	40%

40-4-79 **PERMITTED USES.** Provided all the use restrictions of the “**I-1**” **Industrial District** are observed, the following uses are permitted: **(See Section 40-4-77)**

Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives or live animals are not involved.

Freight and bus terminals and related mass transportation facilities.

Government uses of this municipality.

Research and development facilities not involving explosives, or flammable gases or liquids.

Service stations. **(See Section 40-5-4)**

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.

Utility substations. **(See Section 40-5-10)**

Accessory uses in accordance with **Section 40-3-16.**

40-4-80 **SPECIAL USES.** The following uses may be permitted as special-uses in this District by special-use permit in accordance with **Section 40-10-24**, to-wit:

Any permitted use in the “**B-2**” or “**B-3**” **District.** **(See Sections 40-4-66 and 40-4-73)**

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases, or liquids, or live animals.

Government uses other than those of this municipality.

Junk Yards. **(See Section 40-5-6)**

Research and development facilities involving explosives, or flammable liquids or gases.

40-4-81 - 40-4-83 **RESERVED.**

DIVISION XI - FLOOD PLAIN DISTRICT

40-4-84 **“O-FP” - FLOOD PLAIN OVERLAY DISTRICT.** The “O-FP”, Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the Municipality subject to special requirements.

In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this Section are intended to restrict permitted development in flood plains to:

- (A) Uses which inherently have low flood damage potential and
- (B) to other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

40-4-85 **PERMITTED AND/OR SPECIAL USES.** This overlay district has no effect on the classification, whether permitted, special, or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

40-4-86 **ADDITIONAL RESTRICTIONS.** All uses, whether permitted or special, that are located in the area covered by the **“O-FP”, Overlay District** shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To assure such protection, the Administrator, following consultation with technically-qualified persons, may require as necessary:

- (A) Anchorage or addition of weight to structures to resist flotation;
- (B) installation of watertight doors and bulkheads;
- (C) use of special paints, membranes, mortars so as to reduce seepage through walls.
- (D) installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (E) reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (F) installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (G) location of electrical equipment and appliances above the level of the regulatory flood elevation;
- (H) location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc., above the regulatory flood elevation;

(I) filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or

(J) any other reasonable flood protection measures.

In no case shall the Zoning Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of floodwater leaving the lot in question.

(See Chapter 14 for Flood Plain Code)

{PRIVATE }ARTICLE V{tc "ARTICLE 4"}

SUPPLEMENTARY ZONING REGULATIONS

{PRIVATE }40-5-1 APPLICABILITY OF ARTICLE{tc "Section 4-1 APPLICABILITY OF ARTICLE"}. This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail.

{PRIVATE }40-5-2 RECREATIONAL VEHICLES{tc "Section 4-2 CAMPING TRAILERS"}. The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel-trailer park that conforms to the requirements of this Code and the City Code. The requirements of paragraphs (A), (C), and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

- (A) Not more than **one (1)** travel trailer or recreational vehicle shall be parked on any lot. They shall not be parked on a street.
- (B) No travel trailer or other recreational vehicle shall be used as a dwelling.
- (C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- (D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.
- (E) No travel trailer or other recreational vehicle shall be parked on any front yard.
- (F) No unlicensed mobile home may be located in a travel trailer or recreational vehicle park.

{PRIVATE }40-5-3 BUFFER STRIPS, FENCES, WALLS AND HEDGES{tc "Section 4-3 FENCES, WALLS"}. Buffer strips, fences, walls or hedges used for any purpose shall, in all districts, conform to the following:

- (A) Whenever a commercial, multi-family or industrial district abuts a residential district or is across a street, alley or similar obstacle from a residential district, a buffer strip of landscaping and/or other treatment shall be required. If a buffer strip is live landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity. Width shall be **twenty (20) feet**, except that between areas zoned "I" and the designated zones, the width shall be **thirty (30) feet**.

Where an existing "SR-1" or "SR-2" abuts a district requiring a buffer, the minimum setback from the buffer in that district requiring a buffer shall be **ten (10) feet** providing that a street does not come between the districts.

(B) No new permanent barbed wire or electrically charged fence less than **eight (8) feet** in height shall be erected or maintained anywhere except in connection with agricultural uses; when the agricultural use abuts a property line or a public right-of-way, the use of such fencing shall require the issuance of a Special Use Permit.

(C) No fence, wall, or other obstruction shall be erected on or within **three (3) feet** of any alley or public right-of-way; temporary barricades shall require the written permission of the Zoning Administrator.

(D) No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code. (See 70 ILCS Sec. 2-1 to 2-13)**

(E) No fence, wall or other obstruction shall exceed **eight (8) feet** in height in any district except the Industrial District (I) where the maximum height shall not exceed **ten (10) feet**; exemption, planting screen, in addition, in areas near street intersections, special height restrictions shall be applicable to fences, walls, or other obstructions. **(Section 40-3-12(B).)**

(F) No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved by the Zoning Administrator. **(See Landscape Fence, Section 40-2-2)**

(G) No fence, wall or other obstruction shall be erected on or within **three (3) feet** of a property line without the mutual consent of the abutting property owners; in such instances, an applicant for an Initial Certificate of Zoning Compliance shall include on the application a statement to the effect that abutting property owners are aware of the type and proposed location of the fence, wall or other obstruction to be erected and have given their written consent.

(H) No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.

{PRIVATE }40-5-4 SERVICE STATIONS{tc "Section 4-4 FILLING STATIONS"}.

(A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

(C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

(F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

{PRIVATE }40-5-5 NURSING HOMES AND GROUP HOMES{tc "Section 4-6 HOSPITALS, NURSING HOMES"}.

(A) The lot on which any group home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **one and one-half (1.5) acres**.

{PRIVATE }40-5-6 JUNK YARDS{tc "Section 4-7 JUNK YARDS"}.

(A) No part of any junk yard--which includes any lot on which any **three (3)** or more inoperable vehicles are stored--shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **eight (8) feet** high and of sufficient density to block the view from adjacent property.

{PRIVATE }40-5-7 HOME OCCUPATIONS{tc "Section 4-5 HOME OCCUPATIONS"}.

(A) **Limitations on Use.** A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

- (1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there, and no others.
- (2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
- (3) The total area used for the home occupation shall not exceed **one-half (1/2)** the floor area of the user's living unit.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **two (2) square feet** in area and which shall not be illuminated.
- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.

(10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being recommended by the Board of Appeals and approved by the City Council, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

(1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. (See Sec. 40-10-26)

(2) A hearing upon the application shall be held in accordance with the rules and regulations of the Board of Appeals.

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, “telecommuting” means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) **Parking.** (See Section 40-7-8)

(E) **Signs.** (See Section 40-6-10)

{PRIVATE }40-5-8 SCHOOLS{tc "Section 4-9 SCHOOLS"}.

(A) The lot on which any school is situated shall have the minimum area indicated below:

<u>Type of School</u>	<u>Minimum Lot Area</u>
Nursery, Day Care Center	One hundred (100) square feet of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State law (Ill. Comp. Stat., Chap. 105, Sec. 5/35-8) --normally four (4) acres , plus one (1) additional acre for every one hundred fifty (150) students in excess of two hundred (200) .
(B)	The principal building of any school shall be located at least twenty-five (25) feet from all lot lines.

{PRIVATE }40-5-9 SWIMMING POOLS{tc "Section 4-10 SWIMMING POOLS"}.

(A) Every in-ground swimming pool, whether public or private, shall be enclosed by a wall or fence at least **four (4) feet** in height and shall have a gate that shall be

locked when the pool is not in use. An above-the-ground pool, **four (4) feet** or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.

(B) No private swimming pool shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.

(C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

{PRIVATE }40-5-10 UTILITY SUBSTATIONS{tc "Section 4-12 UTILITY SUBSTATIONS"}. Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.

(C) Every such facility shall be screened by close-planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

{PRIVATE }40-5-11 KENNELS{tc "Section 4-13 KENNELS"}.

(A) Kennels shall be permitted only in the A-1 District.

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

(C) The lot on which any kennel is situated shall have a minimum area of **three (3) acres**.

{PRIVATE }40-5-12 AGRICULTURAL ACTIVITIES{tc "Section 4-14 AGRICULTURAL ACTIVITIES"}.

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **three hundred (300) feet** to any existing dwelling, or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line or residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two**

hundred (200) feet to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

(C) **Barbed Wire/Electrical Fences.** (See Section 40-5-3(A).)

{PRIVATE }**40-5-13 LIGHTING CONTROLS**{tc "**Section 4-15 LIGHTING CONTROLS**". Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

40-5-14 PUBLIC BUILDINGS. In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

40-5-15 CHURCHES AND HOUSES OF FORMAL WORSHIP. The following restrictions shall apply to churches no matter if they are permitted uses or special-uses:

(A) **Lot Size.** The minimum size of the lot or tract shall not be less than **two (2) acres** and have a minimum frontage on a public street and at the building line of **one hundred fifty (150) feet**.

(B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that **one (1) parsonage** may be permitted on the same lot or tract provided the parsonage is located no more than **seventy-five (75) feet** from the principal building for religious worship.

(C) **Property Lines.** Each principal building shall be located at least **twenty-five (25) feet** from all property lines, and shall meet all other applicable requirements of the Zoning Code.

(D) **Accessory Buildings.** Accessory buildings shall meet all applicable requirements of the Zone District.

(E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provisions. (See 805 ILCS Sec. 110/0.01 et seq.)

ARTICLE VI

SIGN REGULATIONS

40-6-1 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

40-6-2 **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

40-6-3 **DEFINITION OF SIGN AREA.** As used in this Article, the term “sign area” means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign. **(See Figures 3 and 4 at End of Code)**

40-6-4 **SPECIAL SITUATIONS.**

(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.

(B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-6-5 **SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.**

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

40-6-6 **ILLUMINATION.** Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically-operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

40-6-7 **NONCONFORMING SIGNS.** A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

40-6-8 **RESTRICTIONS.** Any nonconforming sign as defined in **Section 40-6-5** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

40-6-9 **STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the City:

(A) Mobile/Portable Marquees; except that they may be permitted as a temporary sign.

(B) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(C) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Roof-mounted signs, that project or protrude above the highest point of the roof. (See Sec. 40-6-11)

40-6-10 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the City. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. (See Sec. 40-6-2)

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet**; on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Agricultural or Residential District, political signs shall not exceed **eight (8) square feet**; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Political signs shall be removed within **seven (7) days** after the election to which they pertain, by the party responsible for their erection.

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet**. Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(F) **Governmental, Public, and Directional Signs**: Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(H) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(I) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: such signs shall not exceed **two (2) square feet** for single-family dwelling, nor **six (6) square feet** for multiple-family dwellings.

(L) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

40-6-11 AGRICULTURAL; RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 40-6-10** shall be erected in the Agricultural District or in any Residential District.

40-6-12 BUSINESS; INDUSTRIAL DISTRICTS. No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-6-2** and **40-6-10**.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

(A) **Flush-Mounted Signs.** No flush-mounted (wall) sign shall:

- (1) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or
- (2) Extend above the roof line of the building to which it is attached.

(B) **Window Signs.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.

(C) **Projecting Signs.** No establishment shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:

- (1) Project above the roof line of the building to which it is attached; or
- (2) Extend below a point **eight (8) feet** above the ground or pavement; or
- (3) Project over a driveway or beyond the curblines of any public street; or

- (4) Project more than **three (3) feet** from the building to which it is attached; or
- (5) Extend to a point above **twelve (12) feet**.

(D) **Canopy or Marquee Signs.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Section 40-6-12(A)**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-6-12(C)**.

(E) **Freestanding Signs.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

- (1) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line.
- (2) The area of any freestanding sign, calculated in accordance with **Section 40-6-3** shall not exceed **one hundred (100) square feet**.
- (3) When attached to its structural supports, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement.
- (4) The length or width of any freestanding sign shall not exceed **twelve (12) feet**. (*See Section 40-4-64(H)*)

(F) **Billboards.** Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

- (1) Be stacked on top of another billboard; or
- (2) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or
- (3) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or
- (4) Extend more than **twenty (20) feet** above the ground or pavement;
- (5) Exceed **three hundred (300) square feet** in area.

(See Appendix for illustrations.)

40-6-13 **TEMPORARY SIGNS.** Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through Board of Appeals and the Board of Appeals may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. (**See Sections 40-3-7 and 40-10-29**)

{PRIVATE }ARTICLE VII{tc "ARTICLE 5"}

**SUPPLEMENTARY OFF-STREET PARKING
AND LOADING REGULATIONS**

{PRIVATE }**40-7-1 APPLICABILITY OF ARTICLE**{tc "Section 5-1 **APPLICABILITY OF ARTICLE**"}. Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-7-2 EXISTING PARKING/LOADING FACILITIES.

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

{PRIVATE }**40-7-3 PARKING DESIGN AND MAINTENANCE STANDARDS**{tc "Section 5-2 **PARKING DESIGN AND MAINTENANCE STANDARDS**"}.

(A) **Spaces.**

(1) Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(2) For multi-family, business and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.

(B) **Interior Aisles.** Aisles within parking lots in Business and Industrial Districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.

- (C) **Access Way.**
- (1) Parking areas in the Business and Industrial Districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
 - (2) No access way to any parking area shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.
 - (3) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.
 - (4) The access way to every parking lot located in any business and industrial zoning district shall be at least **twenty-four (24) feet** wide unless two one-way drives, each **twelve (12) feet** wide, are provided.
 - (5) The access way to every parking area located in any residential zoning district shall be at least **ten (10) feet** wide; but if the parking area contains more than **eight (8) parking spaces** or if the access way is longer than **one hundred (100) feet**, access shall be provided either by one 2-way drive at least **twenty (20) feet** wide or by two 1-way drives, each at least **ten (10) feet** wide.

(D) **Surfacing.** Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. These requirements shall not apply to single-family residential. (**Note: “Oil and chip” is not comparable material.**)

(E) **Lighting.** Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.

40-7-4 **LANDSCAPING.** In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20)** or more parking spaces.

- (B) The landscaping plan shall include the following information:
- (1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
 - (2) Proposed size, construction materials, and drainage of landscaped islands; and
 - (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

{PRIVATE }40-7-5 LOCATION OF PARKING{tc "Section 5-3 LOCATION OF PARKING"}. All off-street parking shall be located in conformity with the following requirements:

- (A) **For Dwellings.**
- (1) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
 - (2) All parking spaces accessory to permitted non-dwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within **two hundred (200) feet** of the use served. No commercial vehicle exceeding one ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading, and service call), unless a special use permit has been obtained. No vehicle repair work shall be permitted on any parking lot located in any residential district.
- (B) **Business And Industrial Districts.**
- (1) Parking spaces accessory to any dwelling located in any business district shall be located within **two hundred (200) feet** of the dwelling. Parking spaces accessory to any other conforming use located in any business or industrial district shall be located within **five hundred (500) feet** of the use served.
 - (2) No parking space accessory to any use located in business or industrial district shall be located in any residential district except by special use permit; and in no case shall any such parking areas extend more than **five hundred (500) feet** into a residential district.

- (3) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

{PRIVATE }40-7-6 DESIGN AND LOCATION OF{tc "Section 5-5 DESIGN AND LOCATION OF"} OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip")**

(D) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on any required front yard.

40-7-7 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees"**, unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1)** parking space.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-7-8 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) <u>Dwellings, Lodgings:</u>		
Motels, Boarding houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes & Immobilized homes	2 spaces per unit	Not Applicable
Multi-family dwellings	2 spaces per dwelling unit	Not Applicable
Single-family & two-family dwellings	2 spaces per dwelling unit	Not Applicable
Manufactured Home	2 spaces per dwelling unit	Not Applicable
(B) <u>Educational, Institutional, Recreational:</u>		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
Libraries, museums	1 space per 500 sq. ft. of	On review by the Administrator

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
Senior High	a space for every 4 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
(C) <u>Commercial, Office, Service:</u>		
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Financial Institutions		
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space
Drive-in	5 spaces per teller window	
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not Applicable, except as required for affiliated uses

Zoning Code 40-6-12

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Car Wash	3 spaces per wash lane	Not Applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not Applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Service stations	2 spaces per service stall, plus employee parking	Not Applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Theaters Indoor	1 space per 4 seats	Not Applicable
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 More than 25,000 sq. ft. of floor area and open lot area... 2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) <u>Industrial:</u>		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space per employees on the major shift	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

{PRIVATE }{PRIVATE }ARTICLE VI{tc "ARTICLE 6"}II

NONCONFORMITIES

{PRIVATE }40-8-1 PURPOSE OF ARTICLE{tc "Section 6-1 PURPOSE OF ARTICLE"}. The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

{PRIVATE }40-8-2 NONCONFORMING LOTS{tc "Section 6-2 NONCONFORMING LOTS"}. If the Board of Appeals recommends and the City Council approves a variance for any vacant lot that does not conform to **one (1)** or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto);
- (B) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- (C) is at least **fifty (50) feet** wide.

40-8-2.1 AGRICULTURAL AND RESIDENTIAL DISTRICTS. In the Agricultural District and in any residential district, one single-family dwelling and related accessory structure, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all the bulk regulations of the particular district are observed.

40-8-2.2 COMMERCIAL AND INDUSTRIAL DISTRICTS. In the Industrial District and in any commercial district, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described above if the bulk requirements of that district are met.

40-8-2.3 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code. (**See Section 40-3-8**)

{PRIVATE }40-8-3 **NONCONFORMING STRUCTURES**{tc **"Section 6-3**
NONCONFORMING STRUCTURES". Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

(A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.

(B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.

(C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.

(D) **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

As an alternative, the market value may be determined by the Administrator by using the **"state equalized assessed value"** multiplied by the number **three (3)**.

The provisions of paragraph (D) shall not apply to single-family dwellings.

{PRIVATE }40-8-4 **NONCONFORMING USES**{tc **"Section 6-4**
NONCONFORMING USES"} **OCCUPYING A STRUCTURE.** If any lawful use occupying a structure exists on the effective date of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) **Discontinuance of Use.** When a nonconforming use of a structure or of a structure and premises in combination is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

{PRIVATE }40-8-5 NONCONFORMING USE OF LAND{tc "Section 6-5 NONCONFORMING USE OF LAND"}. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

{PRIVATE }40-8-6 NONCONFORMITIES UNDER PERMIT AUTHORITY{tc "Section 6-6 NONCONFORMITIES UNDER PERMIT AUTHORITY"}. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

{PRIVATE }ARTICLE IX{tc "ARTICLE 7"}

ADMINISTRATION AND ENFORCEMENT

40-9-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of this municipality is hereby established. He shall be appointed by the Mayor with the advice and consent of the City Council for a term of **one (1) year**. The Zoning Administrator shall be the executive head of this office.

{PRIVATE }**40-9-2 DUTIES**{tc "Section 7-1 ZONING ADMINISTRATOR"}. The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following duties:

- (A) To review applications pertaining to land, structures and the uses of land and/or structures;
- (B) To issue or deny initial and final certificates of zoning compliance;
- (C) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;
- (D) To receive, file and forward to the Board of Appeals all applications for variances and appeals;
- (E) To receive and file all applications for amendments and special use permits;
- (F) To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;
- (G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year;
- (H) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and
- (I) To provide information to the general public on topics related to this Code; and
- (J) To republish the zoning district map not later than March 31st if any rezonings or annexations have been approved during the preceding calendar year. (See Sec. 40-3-3)

{PRIVATE }**40-9-3 INITIAL CERTIFICATES**{tc "Section 7-2 TEMPORARY CERTIFICATES"} **OF ZONING COMPLIANCE.** Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or

reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Code.

40-9-4 ZONING APPLICATION. Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. (**NOTE: Filing fee required in Section 40-9-14.**)

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height, setbacks, and lot coverage of the proposed structures;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (L) Location and square footage of existing and proposed signs by type and class.

40-9-5 DURATION OF CERTIFICATE. Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. (**See Sec. 40-9-7**)

40-9-6 **RELATIONSHIP TO BUILDING PERMITS.** Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The City in compliance with the **Illinois Architecture Practice Act of 1989** and effective **January 1, 1992 (See 225 ILCS Sec. 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed architect.

{PRIVATE }40-9-7 **FINAL CERTIFICATES**{tc "**Section 7-3** **PERMANENT CERTIFICATES"**} **OF ZONING COMPLIANCE.** No lot or part thereof that has been recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, **by inspection**, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-9-8 **CORRECTIVE ACTION ORDERS.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall institute appropriate measures to secure compliance.

40-9-9 **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial action necessary to effect compliance;
- (D) The date by which the violation must be corrected;
- (E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (F) The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and
- (G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-9-10 **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A) Served upon him personally;
- (B) Sent by certified mail to his last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

40-9-11 **STOP ORDERS.** Whenever any work being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. (See Sec. 40-9-9(D))

{PRIVATE }40-9-12 **EMERGENCY MEASURES**{tc "Section 7-5 **EMERGENCY MEASURES**"}. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

{PRIVATE }40-9-13 **COMPLAINTS**{tc "Section 7-6 **COMPLAINTS**"}. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-9-14 **FEES.** The City Council establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the City Clerk as follows:

(A)	<u>Zoning Occupancy Fees:</u>	
	Single-Family Dwelling	\$25.00
	Multi-Family Dwelling	\$25.00
	Commercial or Business Structure	\$25.00
	Industrial Structure	\$100.00
	Mobile Home Unit/Manufactured Home/ Immobilized	\$25.00
	Accessory Building (larger than 100 sq. ft.)	\$10.00 per building

Structural Additions	\$10.00
Plan Development	\$500.00
Mobile Home Park Permit	\$500.00
Miscellaneous Permit (i.e. Parking Lot, Deck, Pool, Driveway, etc.)	\$10.00
Sign Permit	\$10.00

All fees for the above projects that are started prior to obtaining the Zoning Occupancy Permit and/or paying the fees shall be doubled.

(B) **Board of Appeals Fees:**

Interpretation of Code (Appeal)	\$50.00 and publication costs
Special-Use Permit	\$50.00 and publication costs
Variance Permit	\$50.00 and publication costs
Amendments	\$50.00 and publication costs

{PRIVATE }40-9-15 PENALTIES{tc "Section 7-7 PENALTIES FOR VIOLATION".

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

{PRIVATE }ARTICLE X{tc "ARTICLE 8"}

SPECIAL PROCEDURES AND PERMITS

DIVISION I - BOARD OF APPEALS

40-10-1 **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals is hereby established in accordance with Illinois law. The Zoning Board of Appeals shall hereinafter be referred to as the Board of Appeals. (See 65 ILCS Sec. 5/11-13-3)

40-10-2 **MEMBERSHIP, APPOINTMENT, COMPENSATION.** The Board of Appeals shall consist of **seven (7) members** , all of whom shall reside within the City. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. The Board of Appeals shall select **one (1)** of its members to be the vice-chairman and **one (1)** the secretary. Each Board member shall receive compensation as established by the City Council.

40-10-3 **TERM OF OFFICE - VACANCIES.** Every member of the Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Board of Appeals established by this Section until the date his term of office would have expired if the former Zoning Code had remained in effect. Any person appointed to the Board of Appeals on or after the effective date of this Code shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the City Council, the Mayor may remove any member of the Board of Appeals for cause after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

40-10-4 **MEETING--QUORUM.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board of Appeals may determine. All Board meetings shall be open to the public. The Board of Appeals may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board of Appeals may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board of Appeals shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board of Appeals action. (See Sec. 40-10-6 for vote on decisions of Board of Appeals.)

40-10-5 **RECORDS.** The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or recommendation of the Board of Appeals shall be filed immediately with the City Clerk and shall be a public record.

40-10-6 **DECISIONS.** The concurring vote of **four (4) members** of the Board of Appeals shall be necessary to recommend a variance or special-use permit or to recommend an amendment to the City Council. The recommendation of the Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the City Council.

40-10-7 **PERIOD OF VALIDITY.** No decision by the City Council granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. However, the City Council may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-10-8 **FINALITY OF DECISIONS OF THE BOARD OF APPEALS.** All decisions of the Board of Appeals, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of **one (1) year** unless the facts and/or request have substantially changed. (See 65 ILCS Sec. 5/11-13-13 and 735 ILCS Sec. 5/3-101 et seq.)

40-10-9 **OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS.** The Secretary of the Board of Appeals shall be appointed by the Board of Appeals to serve a until a successor is appointed. The Secretary shall record the minutes of the Board of Appeal's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Board of Appeals.

40-10-10 - 40-10-11 **RESERVED.**

DIVISION II - APPEALS

{PRIVATE }40-10-12 NATURE OF AN APPEAL{tc "Section 9-2 APPEALS"}. Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. (See 65 ILCS Sec. 5/11-13-12)

40-10-13 FILING, RECORD TRANSMITTAL. Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. (See 65 ILCS Sec. 5/11-13-12) (See 70 ILCS Sec. 405/22.02A)

40-10-14 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. (See 65 ILCS Sec. 5/11-13-12)

40-10-15 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By publication in a newspaper of general circulation within this municipality;
- and
- (B) By certified mail to the applicant; and,
 - (C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

(See 65 ILCS Sec. 5/11-13-12)

40-10-16 **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within **thirty (30) days** after the hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the power of the Administrator. (See 65 ILCS Secs. 5/11-13-3 and 5/11-13-12)

ED. NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the Zoning Administrator. (See 65 ILCS Sec. 5/11-13-3)

40-10-17 **RESERVED.**

DIVISION III - VARIANCES

40-10-18 **VARIANCES.**

(A) A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure.

(B) A so-called “use variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 40-10-30**.

40-10-19 **APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Board of Appeals. The application shall contain sufficient information to allow the Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee required.) [See 70 ILCS Sec. 405/22.02(A)]**

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief description of adjacent lots, structures, and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific, explanation of the desired variance;
- (F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (G) Any other pertinent information that the Administrator may require.

40-10-20 **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (A) By certified mail to the applicant and
- (B) By publication in a newspaper of general circulation within the municipality and,
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed variance. **(See 65 ILCS Sec. 5/11-13-7)**

40-10-21 STANDARDS FOR VARIANCES. The Board of Appeals shall not recommend any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board of Appeals shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

(A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and

(B) The plight of the owner is due to peculiar circumstances; and

(C) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(D) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this municipality's comprehensive plan. (See 65 ILCS Sec. 5/11-13-5)

40-10-22 DECISION BY BOARD OF APPEALS. The Board of Appeals shall decide on every variance request within **thirty (30) days** after the final hearing thereon. A copy of the Board of Appeal's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Board of Appeals shall specify the terms of relief recommended (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for recommending or denying any requested variance.

40-10-23 RESERVED.

DIVISION IV - SPECIAL USES

{PRIVATE }40-10-24 SPECIAL-USE PERMITS {tc "**Section 8-1 SPECIAL USE PERMITS**"}. This Code divides the City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Board of Appeals.

40-10-25 APPLICATION. Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Board of Appeals for further consideration. **(NOTE: Filing fee required in Section 40-9-14)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of the proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require;
- (M) Location of any signs.

40-10-26 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within this municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. (See 65 ILCS Sec. 5/11-13-7)

40-10-27 ADVISORY REPORT, FACTORS CONSIDERED. Within **thirty (30) days** after the public hearing, the Board of Appeals shall prepare an advisory report. In deciding the recommendation the Board of Appeals shall consider the following factors:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B) Whether the proposed special-use is consistent with this municipality's comprehensive plan, if any;
- (C) The effect the proposed special-use would have on the value of neighboring property and on this municipality's overall tax base;
- (D) The effect the proposed special-use would have on the public utilities and on the traffic circulation on nearby streets; and
- (E) Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection.

40-10-28 DECISION - FINDINGS OF FACTS. The Board of Appeals shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with State law, the Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and **their findings of fact in another statement**. The finding of fact shall be responsive in the decision-making factors listed in the preceding section and shall clearly indicate the Board of Appeal's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. (See 65 ILCS Sec. 5/11-13-1.1 and 5/11-13-11)

[ED. NOTE: The applicants and property owners for a variation or special-use should review Sec. 5/11-13-7A of the Illinois Compiled Statutes relative to subpoenas for persons to appear at the zoning hearings.]

{PRIVATE }**40-10-29 TEMPORARY USE PERMITS: PROCEDURE FOR**{tc "Section 8-2 TEMPORARY USE PERMITS"}. As set forth at **Section 40-3-7**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Board of Appeals shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

DIVISION V - AMENDMENTS

{PRIVATE }40-10-30 AMENDMENTS{tc "Section 8-3 AMENDMENTS"}.

The City Council may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the City Council, the Board of Appeals, the Plan Commission, the Zoning Administrator or any party in interest. (See 65 ILCS Sec. 5/11-13-14)

40-10-31 FILING. Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Board of Appeals for a public hearing. (NOTE: **Filing fee required.**)

40-10-32 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within the municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment. (See 65 ILCS Sec. 5/11-13-14)

40-10-33 ADVISORY REPORT - FINDINGS OF FACT. Within **thirty (30) days** after the public hearing, the Board of Appeals shall submit their advisory report to the City Council. The report shall state the recommendations of the Board of Appeals regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;

- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

40-10-34 **ACTION BY CITY COUNCIL.** The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Board of Appeals. Without further public hearing, the City Council may approve or disapprove any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

40-10-35 **WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED.** The favorable vote of at least **two-thirds (2/3)** of the members of the City Council is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

40-10-36 **NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(See 65 ILCS Sec. 5/11-13-14)