

THE MUNICIPAL CODE OF CALEDONIA

CHAPTER I.

ARTICLE I. TITLE INTERPRETATION.

1.101. TITLE. This Code' of Ordinances shall be known as the Municipal Code of Caledonia. Any reference to the number of any section contained herein shall be understood to refer,t0 'the position of the same under its appropriate chapter heading, its article headings, if any, and to the penalty clause relating thereto, as well as to the section itself, when, reference is made to this Code by title in any legal document or ordinance of the Village.

1.102. CONSTRUCTION OF WORDS. Whenever any work 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. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words "this ordinance" whenever used in this Code shall be held and taken to mean the entire Code, including each and every section thereof. The "Village" whenever used in this Code shall be held and taken to mean the Village of Caledonia. The words "written" or "in writing" may included printing. Provided that these rules of construction shall not be applied to any section of this Code which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

1.103. DISTINCTION BETWEEN WHOLESALER AND RETAILER. In all cases where the words "wholesale" or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood to relate to the sale of goods, merchandise, articles or quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

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

Whenever in this Code a minimum but not a maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty so imposed but not exceeding Two Hundred Dollars.

Whenever in this Code the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not less than Ten Dollars nor more than One Hundred Dollars for each offense.

1.105. PRESUMPTION OF RESPONSIBILITY. The occupant of any premises upon which a violation of any ordinance is apparent, the owner of any object or material placed or remaining anywhere in violation of an ordinance, and the occupant of any premises served by any excavation or structure illegally made or erected, shall be deemed prima facie responsible for the violation so evidenced, and subject to the penalty provided therefor.

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

No provision of this Article 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 Article for a failure to perform such duty, unless the intention of the Village Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

1.107. INTENT. All general provisions, terms, phrases and expressions contained in this Article shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out.

ARTICLE II. AMENDMENTS.

1.201. REFERENCE TO CODE. Any additions or amendments to this Code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same part of this Article so that a reference to the Municipal Code of Caledonia shall be understood to include them.

1.202. PENALTIES. In case of amendment of any section of this Article containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended or the amending section, whether re-enacted in the amendatory Article or not, unless such penalty is specifically repealed therein.

1.203. RECORDING AMENDMENTS. It shall be the duty of the Village Clerk to keep at least one copy of the Municipal Code of Caledonia, which he shall mark in the following manner: Whenever an ordinance which amends or makes an addition to the code is passed and approved, he shall note on the margin of the section or sections amended that such amendment has been made, with a reference to the place in the amendment book, hereinafter described, where the amendment may be found; and in the case of an addition, he shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book.

The Village Clerk shall also keep a separate book containing every amendment or additions as the place in the record of ordinances where the original ordinance may be found.

The above mentioned records shall be kept in addition to the record of ordinances which the Clerk is required to keep by statute.

ARTICLE III. PRINTING.

1.301. AUTHORIZATION. This Code shall be printed and published in book form.

1.302. DISTRIBUTION OF COPIES. All of the printed copies of this Code belonging to the Village shall be deposited with the Clerk. He shall deliver one copy thereof to the President and each member of the Board of Trustees, and copies to such other persons as the President and Board of Trustees may direct.

1.303. PRESENTATION OF COPIES. The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the Village, as to them shall seem suitable, and they shall also have the power to present Two copies of this Code to the Illinois Municipal League.

1.304. TIME OF TAKING EFFECT. This Code, designated as the "**MUNICIPAL CODE OF CALEDONIA**", shall take effect and be in full force from and after its passage and publication in book form as provided by statute. All ordinances, resolutions, or motions in conflict with this Code are hereby repealed.

CHAPTER II.

THE VILLAGE PRESIDENT

2.101. ELECTION AND TERM OF OFFICE. The Village President shall be elected to a term of four years, and He/She shall be the President of the Board of Trustees as is provided by statute.

2.102. DUTIES. He/She shall be the Chief Executive Officer of the Village, and shall perform all duties that may be required of Him/Her by statute or ordinance. He/She shall have supervision over all executive officers of the Village and He/She shall have the power and authority at all times to examine and inspect the books, records and papers of any agent, employee or officer of the Village.

2.103. DESIGNATION OF DUTIES. Whenever there is a question as to the respective duties or power of any appointed officer or the Village, this shall be settled by the President; and He/She shall have the power and authority at all times to examine and inspect the books, records and papers of any agent, employee or officer of the Village.

2.104. BOND-OATH-SALARY. Before entering upon the duties of His/Her office, the President shall have a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of His/Her duties, in the sum of at least three thousand dollars, or such higher sum as may be directed by the Board of Trustees. He/She shall take the oath of office prescribed by statute and shall receive such compensation as may be set from time to time by the Board.

2.105. PRESIDENT PRO-TEM. During a temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President Pro-tem, who during the absence or disability of the President shall perform the duties pertaining to the office.

2.106. SALARY. There shall be allowed and paid out of the Village Treasury of the Village of Caledonia, Illinois, to the President, and annual salary of \$8,400.00:

2.107. INSURANCE. The Village does not pay for medical and health insurance.

2.108. VEHICLE. The Village does not provide a vehicle.

CHAPTER III.

BOARD OF TRUSTEES

ARTICLE I. GENERAL PROVISIONS.

3.101. ELECTION - FUNCTIONS. The Board of Trustees, consisting of six members, shall be elected to office for a four year term as is provided by statute. This Board shall be the legislative department of the Village government, and shall perform such duties and have such powers as may be delegated to it by statute.

3.102. OATH-SALARY. The members of the Board of Trustees shall take the oath of office prescribed by statute, and shall receive such compensation as may be from time to time provided by ordinance.

A. The compensation of Village Board Trustees taking or holding office in May 2003 and thereafter shall be as follows:

1. Per Monthly Committee Meetings Attended the Compensation will be **Twenty-five Dollars (\$25) per meeting.**

2. Per Monthly Board Meetings the compensation will be **Fifty Dollars (\$50) for attended meetings.**

Pay periods are to coincide with the regular payroll, through each Trustee's term of office.

B. No absences shall be paid for.

3.103. MEETINGS. The regular meeting of the Board of Trustees shall be held on the second Tuesday of each month beginning at 7:00 P.M. and no notices of such regular meeting shall be required.

The meeting place of said Board shall be at the Caledonia Township Building, unless otherwise ordered by the Board. If a regular meeting falls upon a legal holiday, then such meeting shall be the next day occurring which is not a Saturday, Sunday or holiday recognized by the State of Illinois. If at any regular meeting a quorum is not present, the majority present at such

meeting shall set the next meeting date and provide such notice as may be required by Illinois Statute.

3.104. SPECIAL MEETINGS. Special meetings may be called by the President of the Village or any three Trustees upon at least 48 **(forty-eight) hours** notice to all members and the President before such special meeting. The notice must also include the agenda for the special meeting.

3.105. PRESIDENT. The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all time when the Board meets as a Committee of the Whole.

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

1. Roads and Capital Improvements Committee
2. Budget and Finance Committee
3. Planning, Zoning and Building Committee
4. Ordinances Committee

3.106.1. ROADS AND CAPITAL IMPROVEMENTS SHALL BE:

A. To recommend to or receive recommendation from the appropriate committee or the Board of Trustees, for the purchase, sale, or office furniture, to be purchased by the Village and used in any building or grounds or for recreational purposes, of the Village.

B. To recommend to the appropriate committee or the Board of Trustees all appropriations for recreation, all recreational programs, purchase, sale, or other disposition of all equipment to be used for recreational purposes, and the purchase, sale, leasing, renting, or other disposition of all real estate to be used for recreational purposes.

C. To recommend to the appropriate committee or the Board of Trustees, all matters relating to custodial service, utilities, improvements, repair and maintenance, fencing, and landscaping, involving any real estate owned, rented, leased or managed by the Village.

D. Responsible for recommendations to the corporate authorities for the maintenance, operation and repairs of public streets and ways.

E. Responsible for obtaining snow removal and ice control contracts and street repairs with the township.

F. Responsible for turning in to IDOT the Resolution for Maintenance of Streets and Highways, Municipal Estimate of Maintenance Costs and Municipal Maintenance Expenditure Statements, once a year (or as needed).

G. Make recommendations to the Board of Trustees for future public works and their coordination with existing facilities in conjunction with foreseeable land development.

3.106.2. BUDGET AND FINANCE COMMITTEE DUTIES SHALL BE:

A. The committee on finance shall make recommendations to the President and Board of Trustees as to any changes in the accounting system of the Village and the accounting methods used by any Village Officer receiving or disbursing Village Funds.

B. This Committee shall, not later than the first regular meeting in November of each fiscal year, prepare and submit to the President and Board of Trustees a written statement of the proposed appropriation for the fiscal year of sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village and specifying in detail the object and purpose for which each appropriation the amount of each appropriation to be provided for by tax levy upon all property subject to taxation within the Village as such property is assessed and equalized for state and county purposes for the current year.

C. This Committee shall, not later than the first regular meeting in December of each fiscal year, submit to the President and Board of Trustees in final form the proposed appropriation ordinance for the fiscal year, specifying in detail the object and purpose for which each appropriation shall be made and the amount thereof. Such proposed ordinance shall specify in detail the amount thereof to be provided for by tax levy upon all property subject to taxation within the Village as such property is assessed and equalized for state and county purposes for the current year.

D. This committee may examine the books and records of any Village Official receiving or disbursing Village Funds.

E. This Committee shall recommend to the corporate authorities the banking institutions, in which the Village Treasurer shall be authorized to deposit Village Funds.

3.106.3. Planning, Zoning and Building Committee

A. To recommend to the Budget and Finance Committee suggested appropriation to be included in the Annual Appropriation Ordinance of the Village for Planning, Zoning and Building.

B. Planning: To use any resource available to look at all aspects of growth for the future, and plan for proper proportions and placements of growth with existing planning. Zoning: to use any resource available to designate districts that are in the best use of land and to be compatible to existing or planned zoning. Building: To use any resource available to look at. Architectural compatibility with existing or planned architectural development within a specific district.

C. To recommend to or receive recommendation from the appropriate committee or the Board of Trustees, for the purchase, sale, or disposition of all equipment, furnishings, or office furniture, to be purchases by the Village and used in any building or grounds or for recreational purposes, of the Village.

D. To recommend to the appropriate committee or the Board of Trustees all appropriations for recreation, all recreational programs, purchase, sale, or other disposition of all equipment to be used for recreational purposes, and the purchase, sale, leasing, renting, or other disposition of all real estate to be used for recreational purposes.

E. To recommend to the appropriate committee or the Board of Trustees, all matter relating to custodial service, utilities, improvements, repair and maintenance, fencing, and landscaping, involving any real estate owned, rented, leased or managed by the Village.

3.106.4. ORDINANCES DUTIES SHALL BE:

A. To make ordinances and recommend to the Board of Trustees for approval.

B. To amend an ordinance, adopt or to make an addition to the code passed and approved.

C. To hold a special meeting, with at least 48 hours notice. The meeting must include the agenda for the special meeting.

D. To see or talk to the Village Attorney regarding state laws of the State of Illinois.

Each Trust shall be assigned a standing Committee to serve on, or be assigned Chairman thereof. Each Trustee shall serve on other Committees as recommended blithe Village President and approved by the Board of Trustees. The members of each Committee shall be appointed by the President, based on recommendations of the Village President and Chairman, with the consent of the Board of Trustees. The appointment shall be presented to the Village Board at any regular Village Board meeting at which there is a quorum present; a vote on the confirmation of said appointment, being the advice and consent of the Village Board, shall not take place until the next duly-scheduled regular meeting of the Village Board. Any citizen serving on a Committee who misses three consecutive meetings or any Five (5) out of Twelve (12) meetings, without prior approval, may be removed.

Meetings relative to the standing Committees shall be referred to them by the President and/or Board of Trustees. Written Committee reports shall be submitted to the President and Board of Trustees detailing Committee findings along with recommendations for such Board action as may be required.

Committee Chairman may hold such hearings, conduct such meetings, and cause such studies to be performed as may be necessary to carry out Committee assignments, consistent with requirements by statute.

3.107. SPECIAL COMMITTEES. Special Committees shall be created from time to time as is directed by the Board. The appointment shall be presented to the Village Board at any regular Village Board meeting at which there is a quorum present; a vote on the confirmation of said appointment, being the advice and consent of the Village Board, shall not take place until the next duly-scheduled regular meeting of the Village Board.

3.108. ADVISORY REFERENDA. It shall be the policy of the Village Board to submit questions of public policy to the voters of the Village in special Advisory Referenda upon receipt of petition therefor, signed by not less than Twenty (20) Percent of

the registered voters residing in the Village.

Such Special Advisory Referenda shall be held at the next election available pursuant to the Illinois Election Code after the receipt of such petition as may be allowed by said Election Code. Notice of such an election shall be published in accordance with the Illinois Election Code or such other applicable Illinois Statute.

Such petition may be filed with the President and Board of Trustees of the Village, or with the Village Clerk.

3.109. DISTURBING MEETINGS. It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any Committee thereof; any person violating the provisions of this section shall be removed from the meeting by the President or Chairman of the meeting that is being presided over.

3.110. PRESIDENT TO PRESIDE - DECIDING VOTE. The Village President shall preside at all meetings of the Village Board. He shall not vote on any ordinance, resolution, or motion except:

1. Where the vote of the Trustees has resulted in a tie;
2. Where one-half of the Trustees have voted in favor of an ordinance, resolution, or motion even though there is no tie vote;
3. Where more than a majority of Corporate Authorities required for a passage of such ordinance, resolution, or motion as provided by ordinance or statute.

In each of the instances specified, the Village President shall vote. Nothing in this section shall deprive an acting President or President pro-tem from voting in his capacity as a Trustee, but He/She shall not be entitled to another vote in his capacity as acting President or President pro-tem.

3.111. ORDINANCES - APPROVAL - VETO. All resolutions motions; (1) which create any liability against the Village, or (2) which provide for the expenditure or appropriation of its money, or (3) which sell any Village property, and all ordinances passed by the Village Board shall be deposited with the Village Clerk. If the President approves of them He/She shall sign them. Those of which He/She disapproves, He/She shall return to the Village Board, with His/Her written objections, at the next regular meeting of the Village Board occurring not less than Five days after their

passage. The Village President may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the Village President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Village President fails to return any ordinance or any specified resolution or motion with His/Her written objections within the designated time, it shall become effective despite the absence of His/Her signature.

3.112. RECONSIDERATION - PASSING OVER VETO. Every resolution and motion specified in the preceding section, and every ordinance, which is returned to the Village Board by the Village President after veto shall be reconsidered by the Board of Trustees at the next regular meeting as provided by statute. If after such reconsideration Two-Thirds of all the Trustees then holding office shall agree to pass an ordinance, resolution, or motion notwithstanding the President's refusal to approve it, then it shall be effective. The vote on the question of passage over the Presidents' veto shall be by Ayes and Nays, and shall be recorded in the Journal of Proceedings.

ARTICLE II. RULES OF ORDER.

3.201. ORDER OF BUSINESS. The order of business to be observed at all meetings of the Village Board shall be as follows

1. Call To Order
2. Roll Call
3. Approval of Agenda
4. Minutes of Last Meeting
5. Guest Speaker
6. President's Report
7. Reports of Standing Committees
8. Old Business
9. New Business
10. Schedule of Special Meetings
11. Public Discussion
12. Adjournment

3.202. RESCINDED ACTION. No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute.

3.203. RESOLUTIONS. Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon, on request of any Two members of the Board.

3.204. ADDRESSING MEETINGS. A person wishing to speak before the Board of Trustees at a scheduled meeting regarding an agenda item shall submit a written request which outlines the specific details of their address. Such request must be submitted to the Village Board of Trustees reserves the right to restrict the time allotted to a person or persons wishing to speak. Except as provided above, no person other than the President or member of the Board of Trustees shall address that body at any regular or special meeting, except upon consent of a majority of members of the Board of Trustees present at the meeting.

3.205. PROCEDURE FOR PASSING ORDINANCES. Each ordinance to be passed shall be introduced at a regular, adjourned, or special meeting of the Board of Trustees. At that time if a majority of the Trustees present vote to accept the ordinance as to its first reading, the ordinance will be held over until the next regular, special or adjourned meeting. At such subsequent meeting or at any subsequent meeting, said ordinance may be passed as to its final passage. Provided, however, that by a vote of a majority of the corporate authorities then holding office, any ordinance may be passed at its first reading without following the procedure set forth in this section.

3.206. SUSPENSION OF RULES. The rules of order other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.

3.207. ROBERT'S RULE OF ORDER. Robert's Rules of Order shall govern the deliberation of the Board of Trustees except when in conflict with any of the foregoing rules.

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CHAPTER IV.

THE VILLAGE CLERK

4.101. ELECTION - TERM. The Village Clerk shall be elected and serve for a four year term and until His/Her successor is elected and qualified as is provided by statute.

4.102. SALARY. There shall be allowed and paid out of the Village Treasury of the Village of Caledonia, Illinois, to the Village Clerk, an annual salary of \$3,000.00:

This salary shall be for a part-time Village Clerk.

The salary as set forth above, shall be paid out to the officer named on the warrant to the Village Clerk.

4.103. INSURANCE. The Village does not provide medical or health Insurance.

4.104. BOND. Before entering upon the duties of his office the Village Clerk shall execute a bond in such amount and with such sureties as is provided by Statute, conditioned upon the faithful performance of His/Her duties.

4.105. SIGNATURES. The Clerk shall seal and attest all contracts of the Village and all licenses, permits and such documents as shall require this formality.

4.106. MONEY COLLECTED. The Clerk shall turn over all money received by Him or Her on behalf of the Village to the Village Treasurer promptly upon receipt of the same, and with such money, he shall give a statement as to the source thereof.

4.107. ACCOUNTS. The Clerk shall keep all accounts showing all money received by Him or Her and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.

4.108. RECORDS. In addition to the record of ordinance and other records which the Clerk is required by statute to keep, He or She shall keep a register of all licensed and permits issued and the payments thereon, a record showing all of the officers and regular employees of the Village and such other records as may be required by the Board of Trustees.

4.109. SEAL. The Clerk shall be the custodian of the Village seal, and shall affix its impression on documents whenever this is required.

4.110. DOCUMENTS. The Clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.

4.111. INDICES. The clerk shall keep and maintain a proper index to all documents and records kept by Him/Her, so that ready access thereto may be had.

4.112. QUALIFICATIONS. The Village Clerk shall be a citizen of the United States, a qualified voter, shall be a resident of the Village of Caledonia for not less than one (1) year preceding election, and shall have sufficient training and/or experience to perform the duties of Village Clerk.

4.113. ADDITIONAL DUTIES. In addition to the duties herein provided, the Clerk shall perform such other duties and functions which may be required by statute or ordinance.

4.114. VACANCIES. In case the office of Village Clerk shall become vacant for any reason, the President and Board of Trustees shall appoint a successor as is provided by statute.

4.115. DEPUTY CLERK. The Village Clerk may appoint a Deputy Clerk when, and in the manner, authorized by the Corporate Authorities. Any person so appointed will have the power and duties of a Deputy Clerk as prescribed by statute.

4.116. COLLECTOR. The Village Clerk shall be the Village Collector and shall perform all the duties of that office.

CHAPTER V.

VILLAGE TREASURER

5.101. ELECTION - TERM. The Village Treasurer shall be elected and serve for a four (4) year term and until His/Her successor is elected and qualified as is provided by Statute. The office of Treasurer shall be considered a part-time office. The Village Treasurer shall be elected when the Village President is elected, except in case of an election to fill a Village President vacancy.

5.102. SALARY. There shall be allowed and paid out of the Village Treasury of the Village of Caledonia, Illinois, to the Treasurer, an annual salary of \$3,000.00:

The salary as set forth above, shall be paid out to the officer named on the warrant to the Village Treasurer.

5.103. QUALIFICATIONS. The Village Treasurer shall be a citizen of the United States, a qualified voter, shall be a resident of the Village of Caledonia for not less than one (1) year preceding election (or appointment), and shall have sufficient training and/or experience to perform the duties of Village Treasurer.

5.104. BOND. The Village Treasurer shall give a bond before entering upon the duties of His/Her office, in the sum required by statute or ordinance. The bond to be conditioned upon the faithful performance of duties and to indemnify the Village for any loss by reason of neglect or any act of the Treasurer.

5.105. GENERAL DUTIES. The Treasurer shall perform such duties as may be prescribed for Him/Her by statute or ordinance. He/She shall maintain records showing all monies received including the source and purpose for which it is paid, and showing the deposit of such funds in the bank account, or accounts, of the Village as directed by the President and Board of Trustees.

5.106. ACCOUNTING. The Treasurer shall keep such books and accounts as required by statute or ordinance and shall keep records at all times showing the financial status of the Village.

5.107. SPECIAL ASSESSMENT FUNDS. All monies received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefor, together with interest thereon, for which assessment was made, and said money shall be used for no other purpose, unless to reimburse the Village for money expended for such improvement. Payments on bonds or vouchers shall be made in accordance with the statutes and the law and the Treasurer shall keep His/Her books and accounts in such a manner so that proper prorations in payments of principal and interest can be made and ascertained.

5.108. WARRANTS - TRANSFER OF FUNDS. All warrants drawn on the Treasurer must be signed by the President and countersigned by the Clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid except as may be provided by statute. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by Him/Her, nor appropriated to any other purpose than that for which it has been collected or paid, except as may be ordered by the President and Board of Trustees in manner and form prescribed by statute.

5.109. RECORDS - INSPECTION. The Village Treasurer shall duplicate His/Her monthly report and place in a paper or plastic binder so as to make it available for public inspection upon request at P.O. Box 34 in the Village of Caledonia.

Anyone desiring to inspect the records of the Treasurer of the Village of Caledonia shall submit a notice in writing at least 24 hours in advance, which notice shall be filed with the Village Treasurer. Such notice shall specify which records of the Treasurer are to be inspected, and the name and address of the person requesting said inspection. The Village Treasurer shall make such records available to the person requesting inspection after said 24 hour period by sending request to P.O. Box 34, in the Village of Caledonia. However, the Treasurer of the Village, at His/Her option, may provide a photocopy reproduction of said public records requested to be inspected and have them available after said 24 hour notice for inspection at P.O. Box 34, in the Village of Caledonia.

CHAPTER VI.

APPOINTIVE OFFICERS

**ARTICLE I. ADMINISTRATION.
(RESERVED)**

ARTICLE II. ATTORNEY.

6.201. COUNSEL. The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the attorney for the Village.

6.202. SUITS AND ACTIONS. The attorney shall prosecute or defend any and all suits or actions at law or equity to which may be brought against or by, any officer of the village on behalf of the Village or in the capacity of such person as an officer of the Village.

6.203. JUDGMENTS. It shall be the legal adviser of the Village and shall render advice on all legal questions affecting it, whenever requested to do so by any Village Official. Upon request by the President or the Board, he shall reduce any such opinion to writing.

6.204. SPECIAL ASSESSMENTS. It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

**ARTICLE III. TREASURER/APPOINTED
(RESERVED)**

**ARTICLE IV. ROAD SUPERINTENDENT.
(RESERVED)**

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CHAPTER VIII.

BOARD AND COMMISSION

ARTICLE I. PLANNING COMMISSION.

8.101. DEFINITIONS. For the purpose of this Article the following words shall have the meanings respectively ascribed to them by this section:

- A. "CHAIRMAN"** means the Chairman of the Planning Commission.
- B. "BOARD"** means the Village Board of Trustees.
- C. "PRESIDENT"** means the President of the Village Board of Trustees.
- D. "VILLAGE"** means the Village of Caledonia

8.102. CREATION AND MEMBERSHIP. A Planning Commission is hereby created, which Commission shall be appointed by the President subject to confirmation by the Board. Members of the Commission shall reside within the Village or within territory contiguous to the Village and not more than One and One-Half miles beyond the Village limits in territory not included within any other municipality. No members of the Commission shall hold an elective office in any government.

A. TERM. A member of the Commission shall be initially appointed for One (1) Year. Each member of the Commission shall be entitled to vote any question coming before the Commission.

- 1.** Upon the creation of the Commission one of the members so appointed shall be named as Chairman for a period of One (1) Year by the President.
- 2.** The President and Board shall have the power to remove any member of the Commission, including it's Chairman, for cause, and after a public hearing.
- 3.** Vacancies upon the Commission shall be filled for the unexpired term of the member or the Chairman whose seat has become vacant by appointment by the President with the consent of the Board.

4. When members propose to resign, if reasonably feasible, they shall give notice of their intent to the Chairman or secretary, or make the date of resignation effective in such a manner as to allow time for appointment or replacements.

5. Failure to attend Three consecutive regular monthly meetings, or Three of any Seven consecutive regular monthly meetings, without the recorded consent of the Chairman, shall be construed as cause for removal from the board by absence.

8.103. ORGANIZATION. The President and Board may provide for the compensation of expenses up to Two-Hundred Dollars (\$200) incurred by members and Chairman of the Commission.

A. Immediately upon its organization, the Commission shall select from its membership a secretary.

1. The secretary shall oversee and shall be responsible for filing the most current rules of procedure or rules of the Commission, the minutes of the meetings, the record of hearings and the memoranda of decisions with the Village Clerk and copies thereof with the Planning Chairman.

2. The secretary shall perform such other duties as may be assigned from time to time by the Commission.

3. The secretary shall be given such clerical assistance as the President and Board may provide.

B. The Commission shall adopt rules for the conduct of its meetings, which rules shall not conflict with this Article.

C. The Chairman and all members of the Planning Commission shall be voting members.

8.104. MEETINGS.

A. All meetings of the Commission shall be open to the public and the record and minutes thereof shall be available for examination by sending your request to P.O. Box 34 in Caledonia.

1. At the meetings of the Commission, any interested person may appear or may be represented by duly authorized agents or attorneys.

2. No testimony shall be taken and no witnesses heard except at a properly convened meeting of the Commission.

3. All meetings of the commission shall be held at the call of the Chairman and at such other times as the Commission may determine by rule.

4. The Commission shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.

5. At of following such meetings and within the parameters of its jurisdiction, the Commission shall make its decision or its recommendation on all matters presented to it within a reasonable time.

6. The Commission shall adopt rules of order and procedure governing the conduct of business. In the absence of specific rules, meetings shall be conducted pursuant to "Roberts Rules of Order".

7. Any exhibits containing plans and specifications requiring review and recommendation of the Commission shall remain part of the permanent record of the Commission.

8.105. REIMBURSEMENT FOR EXPENSES. The Planning Commission shall be afforded Two-Hundred Dollars (\$200) per year for expenses incurred.

8.106. PLANNING COMMISSION POWERS AND DUTIES.

A. To prepare and recommend to the Village Board a Comprehensive Plan for the present and future development or redevelopment of the Village of Caledonia. Said Plan may be adopted by the Board in whole or in separate geographical or functional parts, each of which, when adopted, shall be an official Comprehensive Plan, or part thereof, of the Village. This Plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The Plan, as recommended by the Commission and as thereafter adopted by the Board, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality.

1. Such Plan may be implemented by ordinances establishing reasonable standards of design for subdivisions and e-subdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined;

2. Such Plan may be implemented by ordinances establishing reasonable requirements concerning 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 purposed, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment;

3. Such Plan may be implemented by ordinances designating land suitable for annexation to the Village and the recommended zoning classification for such land upon annexation.

B. To recommend changes from time to time, in the official Comprehensive Plan.

C. To prepare and recommend to the Board, from time to time, plans for specific improvements in pursuance of the official Comprehensive Plan.

D. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official Plan, to further the making of these projects, and, generally, to promote the realization of the official Comprehensive Plan.

E. To prepare and recommend to the Board schemes for regulating or forbidding structures or activities which may hinder access to solar energy systems, as defined in Section 1.2 of the Comprehensive Solar Energy Act of 1977 set forth in Illinois Revised Statutes, Chapter 961/2, Section 7303, or to recommend changes in such schemes.

F. To exercise such other powers germane to the powers granted by this Article as may be conferred by the Board from time to time.

G. Such powers shall include, but not limited to, the review and recommendation of the following items:

1. Tentative plats.
2. Site development plans.
3. Street and Alley vacation.
4. Street extensions.
5. Proposed ordinance amendments regarding subdivisions, zoning and flood control.
6. Village plans and proposals concerning utilities and utility extensions and other improvements
7. Review Special Use Permits affecting changes in land use only.
8. Additional concerns as deemed necessary by the Village Board of Trustees

H. Such powers shall not include:

1. Zoning Variances.

8.107. The official Comprehensive Plan, or any amendment thereof, or addition thereto, proposed by the Commission shall be effective in the Village and contiguous area herein prescribed only after its formal adoption by the Board. Such Plan shall be advisory and in and of itself shall not be construed to regulate or control the use of private property in any way, except as to such part thereof as has been implemented by ordinances duly enacted by the Board.

8.108. The President and Board may initiate plans and maps by requesting the Commission to prepare an official Comprehensive Plan and recommend the same, or may originate an official Comprehensive Plan, or a part thereof, or an amendment thereto, and may refer the same or suggested changes in an existing Comprehensive Plan to the Commission for its consideration and recommendation thereon. No Comprehensive Plan or amendment thereto shall be adopted that has not been submitted to the Commission.

A. The Board may adopt parts of a Comprehensive Plan recommended by the Commission without adopting the entire Comprehensive Plan as recommended, or may modify or amend portions of a recommended Comprehensive Plan without a re-reference of the same to the Commission, and may adopt such Comprehensive Plan, as modified or amended. Such Comprehensive Plan, when adopted, shall be the official Comprehensive Plan, or part thereof, of the Village.

B. Upon submission by the President and Board of any suggested Comprehensive Plan, part thereof, or amendment, to an existing Comprehensive Plan to the Commission for consideration and recommendation, the corporate authorities may require a report thereon from the Commission with its recommendation within ninety (90) days from the date of such submission, and if the Commission shall fail to make such report with such Ninety (90) days, then the President and Board may proceed to consider such Comprehensive Plan, or part thereof or amendment to an existing Comprehensive Plan, for adoption including arranging for and holding of a public hearing thereon in the same manner as if the Commission had made its recommendation.

8.109. The official Comprehensive plan, or any amendment thereof, shall not be adopted by the village until notice and opportunity for public hearing have first been afforded. Upon submission of a Comprehensive Plan by the Commission, or a proposed amendment to an existing Comprehensive Plan, the President and Board shall schedule a public hearing thereon, either before the Commission or the Board. Not less than Fifteen (15) Days notice of the proposed hearing, and the time and place thereof, shall be given by publication in newspaper of general circulation in the Village. The hearing shall be informal, but all persons desiring to be heard in support or opposition to the Comprehensive Plan or amendment shall be afforded such opportunity, and may submit their statements, orally, in writing, or both. The hearing may be recessed to another place thereof is publicly announced at the hearing or is given by newspaper publication not less than Five Days prior to the recessed hearing

A. Within Ninety (90) Days after the conclusion of the hearing, the President and Board, after consideration of the recommendation of the Commission and such information as shall have been derived from the hearing, shall either adopt the Comprehensive Plan or amendment in whole or in part or reject the entire Comprehensive Plan or amendment. If adopted, the President and Board shall enact the Ordinance including a map or maps. At any time or times before or after the adoption of the official Comprehensive Plan by the President and Board, they may designate by Ordinance an official map, which map may consist of the whole area included within the official Comprehensive Plan or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half miles from the corporate limits of the Village. Such map or maps may be made a part of the Ordinance, which Ordinance shall specifically state standard requirements of the Village relating to size of streets, alleys, public ways, parks, playgrounds, school sites, other public grounds, and way for public service facilities; and kind and quality of materials which may be used in the construction of streets, and alleys; and the kind and quality of materials for public service facilities as may be consistent with Illinois Commerce Commission or Industry standards, and shall contain the standards required for drainage and sanitary sewers and collection and treatment of sewage. The map may be drawn to scale, and shall be reasonably accurate, and shall show north point, section lines and numbers, and streams. In adopting an official Comprehensive Plan, except as herein otherwise provided, the President and Board shall be subject to the same limitations on the subject matter as applied to the Commission. If at the expiration of such ninety (90) days, the corporate authorities have taken no formal action, the Comprehensive Plan or amendment thereto may thereafter not be acted upon by the corporate authorities without again complying with the conditions of notice and hearing heretofore provided.

B. No official map, or amendment or addition there to shall be grounds for rejection of any plat or subdivision or re-subdivision by the corporate authorities, if application for final approval of such subdivision or re-subdivision is filed with the corporate authorities Fifteen (15) Days or more prior to the date on which the Ordinance approving the official map, or amendment or addition thereto, is adopted.

C. The Comprehensive Plan or amendment shall become effective upon the expiration or Ten (10) Days after the date of filing notice of the adoption of such Comprehensive Plan or amendment with the Recorder of Boone County. Whenever used in this Article, the words "**Plans**" or "**Comprehensive Plan**" shall be deemed to mean and include where applicable, an official map or maps.

D. Said official Comprehensive Plan and the Ordinance or Ordinances including the official map shall be placed on file with the Municipal Clerk and shall be available by sending your request to P.O. Box 34, Caledonia IL 61011. Copies of said Plan, all Ordinances implementing the same and including the official map, shall be made available to all interested parties upon payment of the sum of Ten Dollars (\$10).

**ARTICLE II. ZONING COMMISSION
(RESERVED)**

**ARTICLE III. ZONING BOARD OF APPEALS
(RESERVED)**

**ARTICLE IV. BOARD OF LOCAL IMPROVEMENTS
(RESERVED)**

**ARTICLE V. ECONOMIC DEVELOPMENT COMMISSION
(RESERVED)**

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CHAPTER IX

OTHER PROVISIONS RELATING TO VILLAGE

ARTICLE I. OFFICERS AND EMPLOYEES

9.101. EFFECT. The provisions of this article shall apply alike to all officers and employees of the Village regardless of the time of the creation of the office or employee.

9.102. APPOINTMENTS. The Village President shall appoint, by and with the advice and consent of the Village Board, all officers of the Village, whose election or appointment is not otherwise provided for and all members of any Board or Committee of the Village, in the following manner:

A. The appointment shall be presented to the Village Board at any regular Village Board meeting at which there is a quorum present; a vote on the confirmation of said appointment, being the advice and consent of the Village Board, shall not take place until the next duly-scheduled regular meeting of the Village Board. This procedure also shall be followed in the appointment of Standing Committees pursuant to Section 3.106 and Special Committees pursuant to Section 3.107.

9.103. TERM OF OFFICE - VACANCIES. The Village President shall, no later than the first meeting in July of each year, submit the name of each Committee Chairman for an appointment of reappointment approval by the Village Board. Any vacancies occurring in an appointive office shall be filled in the same manner. In all cases, every appointed officer of the Village shall hold office until his successor is appointed and qualified, unless he vacates the office or unless otherwise provided by statute or ordinance.

9.104. MONIES RECEIVED. Every officer of the Village shall at least once each month turn over all monies received by him in his official capacity, to the Village Clerk with a statement showing the source from which the same was received.

9.105. OATH. Every officer of the Village shall, before entering upon his duties, take the oath prescribed by statute.

9.106. SALARIES. All officers and employees of the Village shall receive such salary as may be from time to time provided by ordinance. All increases or decreased of compensation of appointed officers or employees of the Village shall be approved by majority vote of the Village Board in an ordinance other than the Appropriation Ordinance.

9.107. RECORDS. All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board or Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

9.108. BOND. Every officer and employee shall, if required by the Board of Trustees, upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by said Board, conditioned upon the faithful performance of the duties of his office or position.

9.109. ARRESTS. The Village President and members of the Board of Trustees are hereby declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statute.

9.110. TERMINATION OF OFFICE. Every officer and employee of the Village upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village, and if no successor has been appointed, within one week after the termination of office such property shall be delivered either to the Village Clerk or Village Treasurer.

ARTICLE II. FINANCES.

9.201. APPROPRIATIONS. During the first quarter of each fiscal year, as required by statute, the Village Board shall enact an appropriation ordinance in which shall be itemized all anticipated expenditures to be met during the coming year other than those payable from bond issued.

9.202. TAX LEVY. Not sooner than 10 days after the publication of the appropriation ordinance a tax levy ordinance shall be enacted, as required by law, levying such taxes as may be needed to meet the anticipated expenses of the coming year, together with such taxes as may be required to meet outstanding bonds issued, or for purposes payable from special taxes properly authorized.

A certified copy of the tax levy ordinance shall be filed with the County Clerk not later than the second Tuesday in September. Such ordinance shall show the total appropriated for each item, and the amount of tax levied therefore.

9.203. INDEBTEDNESS. No indebtedness shall be incurred, excepting indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. Provided that during the first quarter of any fiscal year, before the enactment of the current appropriation ordinance, the Village may operate under the appropriation ordinance of the preceding year.

9.204. CONTRACTS. The Village President or any other person designated by the Board of Trustees, may sign on behalf of the Village any contract authorized by the Village Board. No contract may be entered into without the authority of the Village Board.

9.205. PURCHASING POLICY. All purchases made by the Village shall be conducted under the regulations of the Purchasing Policy in effect at Chapter 21 of the Village of Caledonia Code.

9.206. PAYMENT BY TREASURER. The Treasurer shall pay out money in payment of all bills, or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants, or monies payable to the State Employees Retirement System, Social Security Unit, only upon warrant signed by the Village President and Clerk as provided by statute. Such warrants shall designate the items to be paid and the funds from which they are to be paid.

9.207. AUDIT. As soon as practicable at the close of each fiscal year, and not later than six months thereafter, there shall be an audit of all accounts of the Village made by a competent person authorized to act as an auditor under the laws of Illinois to be designated by the Village Board. Copies of such audit report shall be filed with the Village Clerk and with the director of the State Department of Revenue and in such other places as may be required by law.

ARTICLE III. OTHER REGULATIONS.

9.301. CORPORATE SEAL. The corporate Seal of the Village of Caledonia shall be as follows: A circular disk with the words, '**Village of Caledonia, Boone County, Illinois**' on the periphery thereof and the word "**Seal**" in the center thereof.

9.302. FISCAL YEAR. The fiscal year of the Village shall begin on the first day of May and end on the Thirtieth day of April of each year.

9.303. INJURY TO PUBLIC PROPERTY. It shall be unlawful to injure, deface or interfere with any property belonging to the Village without proper authority from the Board. Any person violating the provisions of this section shall be fined not less than Two Dollars nor more than One Hundred Dollars for each offense.

9.304. ELECTIONS. Elections for municipal offices shall be held as is provided-by statute, and at the time prescribed by statute.

9.305. SURETY BONDS. Whenever a surety bond to indemnify the Village is required as prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in the State as a surety company, in the absence of business of specific provision to the contrary by ordinance. Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against any loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Board may order a new surety or sureties to be secured on such bond. If such a new surety or sureties are not procured within Ten days from the time such order is transmitted to the principal on the bond, or his assignee, the Board shall declare the bond to be void, and

thereupon such principal or assigned shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

9.306. DAYLIGHT SAVINGS TIME. Central standard time shall hereby be the official time within the Village for the transaction of all Village business; except that at 2 A.M. on the Sunday in April designated by the Federal Government each year, official time for the Village shall be advance one hour, and at 2 A.M. on the Sunday in October designated by the Federal Government of the year such official time shall, by retarding of the same one hour be returned to Central Standard Time; and all legal and official business of the Village shall be regulated hereby, and when, by ordinance, resolution or action of any municipal officer or body, any act must be performed at or within a prescribed time, it shall be done according to such official time.

9.307. NO SMOKING IN CALEDONIA TOWNSHIP BUILDING. It shall be unlawful for any person to smoke cigarettes, cigars, and pipes, containing tobacco or any other material at any time in the Caledonia Township Building of the Village of Caledonia at 2430 Main Street Caledonia, Illinois. Any person, persons, or individuals who shall violate any provision of this Section shall be fined not less than Fifty Dollar (\$50) nor more than Two Hundred dollars (\$200) plus costs of court. Each day any violation of this Section shall continue shall constitute a separate offense.

**ARTICLE IV. TRAVEL POLICY.
(RESERVED)**

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CHAPTER X.

**PUBLIC PROPERTY AND RIGHT-OF-WAY
(INCLUDES STREETS, DRIVEWAYS, AND SIDEWALKS)**

ARTICLE I. ALTERATIONS AND WORK ON PUBLIC ROADS AND PROPERTY.

10.101. DEFINITIONS. Person means any person, persons, firm, corporation, or any organization or concern.

10.102. PERMIT REQUIRED. It shall be unlawful for any person, except a public utility which has by ordinance or agreement been authorized by the Village to maintain its public utility facilities within the Village, to make any excavation or alteration in or across, or to tunnel under any curb, gutter or street or any Village property without first having secured a permit therefor from the Village.

10.103. APPLICATION. The application for a permit required by this ordinance shall be filed with the Village. The application shall state the name of the applicant, where he resides, on whose behalf the work is to be done, the nature of the work that is desired to be done, and the reason therefor, the size, type, and location of the street surface or other improvement to be injured or altered and the exact location where the work is to be done. The application shall be under oath, sworn to before a Notary Public and signed by the applicant and said application shall contain a statement that the applicant agrees that if he shall injure or alter for any purpose whatsoever any pavement of any street, alley, sidewalk, curb or gutter or any art thereof, or dig any hole, trench, ditch or drain, or dig or remove any sod, stone, curb, earth, sand or gravel from any street, alley, sidewalk, parkway or other public property, that he shall be responsible and property in consequence thereof which the Village shall suffer or be adjudged to pay. It shall further contain a statement that the applicant shall pay all damages to the street surface or improvement that may arise due to operations of the applicant shall pay all damages to the street surface or improvement that may arise due to operations of the applicant and applicant agrees to pay all damages that may be recovered against the Village to any person or property occasioned by or in any manner resulting from the operations of the applicant on public property.

10.104. BOND REQUIREMENTS; CONDITIONS. If Village Clerk finds the permit requested should be issued, the applicant shall be required to enter into a bond of not less than 150% of the cost of the project as determined by the Village Clerk with corporate sureties furnished by a reputable surety company as approved by the Village Clerk or an agent designated by the Village Board, conditioned that the applicant will do the work for which he has applied for a permit in a proper and workmanlike manner and in accordance with the specifications set forth; that the applicant will pay all damages to the street surface or improvement that may arise due to operations of the applicant and that the applicant will pay all damages that may be recovered against the Village to any person or property occasioned by or in any manner resulting from the operations of the applicant on public property, Said bond shall be effective for a duration of One (1) Year after the date applicant has ceased his operations.

10.105. PERMIT FEE. The fee for a permit shall be determined by the Village Clerk, or an agent designated by the Village Board, equal to the actual cost of inspection and processing necessary inspection documents and the permit, and provided further that, pending determination of such actual cost, the applicant shall deposit with the Village an amount equal to the cost as so estimated. Should any amount of such deposit remain unexpended, after deducting the actual cost involved, said amount shall be returned to the applicant making the deposit. Should the deposit be insufficient to cover the actual costs outlined above, the applicant shall, upon notification, immediately pay to the Village the difference between said actual costs and the amount on deposit.

10.106. SPECIFICATIONS; RESTORATION. Any person doing any work pursuant to a permit shall promptly restore any street surface or other property which may be injured or damaged in any manner. Street surfaces so injured shall be restored by a reputable contractor, firm or individual in accordance with the following specifications:

A. All dirt and rubble shall be removed from the excavation site. The Village Clerk, or an agent designated by the Village Board, shall be notified prior to restoration of the injured street surface so that an on-site inspection may take place during the restoration process.

B. Permanent and semi-permanent street surfaces shall be repaired to their original condition by the person doing the work. Where the excavation is within the surface area of any street, it shall be backfilled by using sand or stone screening in layers not to exceed Six (6) Inches in depth. Each layer shall be thoroughly compacted by jetting with water and/or tamping by the use of ramming tools or hand tampers. The final layer of road repair shall be Ten (10) Inches of crushed rock (road stone) and compacted utilizing the above methods. Four (4) to Six (6) Weeks shall be allowed for settling before finishing or such other time as may be directed by an agent designated by the Village Board.

C. If the surface of the street is concrete, the surface shall be replaced by using concrete which meets state specifications and is equal in thickness to the original surface and finished in a manner similar and equal to the original surface. If the original surface was of a bituminous nature, the surface shall be repaired by using bituminous patching mixture, which meets state specifications, for a thickness of two (2) inches or the thickness of the original surface, whichever is greater. The bituminous patching material shall be smoothed and rolled until thoroughly compacted to the line and grade of the original surface.

D. Any gravel or crushed stone surface shall be backfilled as described previously in this section and the street surface repaired by using the same type of surfacing material to a depth equal to the original street surface.

10.107. PENALTIES. Any person, persons, corporation, firm, or any organization or concern who shall intentionally injure any road, highway, or public property of the Village of Caledonia, without first securing a permit as required above, shall be subject to a fine of not less than One Hundred and Fifty Dollars (\$150) nor more than Five Hundred Dollars (\$500) and each and every day such work continues shall constitute a new and separate offense. Failure to restore the road, highway, or public property to the original condition as provided by this Ordinance, shall subject the offender to a penalty not to exceed Five Hundred (\$500) for each and every day such failure continues after written notice by the Village Clerk, or an agent designated by the Village Board that a breach has been committed.

ARTICLE II. DRIVEWAY CONSTRUCTION AND MAINTENANCE

10.201. PERMIT REQUIRED. No person shall hereafter construct, reconstruct, build, establish or maintain a driveway over, across or upon any portion of the public walk or public parkway without first having obtained a written permit to do so from the Clerk of the Village. No permit shall be issued for construction or establishment of any such driveway except in accordance with the provisions herein contained.

Property owners may obtain a driveway permit only if:

- A.** The driveway will not create undue safety hazard;
- B.** It will not impede safe and efficient flow of traffic;
- C.** It does and will conform in all respects to existing traffic, zoning, storm water, and building provisions.

Applications for permit must be made in writing upon forms furnished by the Village. Said application shall contain the name and address of the person making the application, the name of the contractor or person who is to construct said driveway, and the proposed location and dimension of such driveway. Complete plans and specifications shall be submitted to the Village Clerk at least Forty-Eight (48) Hours before permit shall be issued.

10.202. SUPERVISION. All such work shall be done under the jurisdiction of the Village Clerk or by an agent designated by the Village Board and in accordance with the ordinances of the Village and shall be inspected upon completion by an agent designated by the Village Board.

10.203. SPECIFICATIONS. All plans and specifications must conform to the following minimum requirements before permit for construction or reconstruction shall be permitted:

A. INDUSTRIAL/COMMERCIAL

1. Industrial or Commercial entrance or exit drives shall be constructed of Portland cement concrete at least Six Inches (6") in thickness or Four Inches (4") of bituminous pavement with Ten inches (10") aggregate base. All materials shall conform with IDOT specifications (latest edition) on file with the Village Engineer.

2. The width of the entrance or exit drive shall not exceed Thirty Feet (30') at the property line. Request for driveway widths Thirty (30') to Forty (40') at the property line may be approved at the discretion of the Village Engineer. Where Two (2) or more adjoining driveways are provided for the same property, a safety island of not less than Twenty Feet (20') at the property line shall be provided. Not more than Two (2) such driveways shall be allowed to any One street for each One Hundred Fifty Feet (150') of continuous frontage thereof. The Board of Trustees reserves the right to waive the width requirement.

3. The width of the opening (flared or radial) at the curb or pavement line shall be no greater than Fifteen Feet (15') nor less than Ten Feet (10') in addition to the width of the driveway at the property line. The additional width granted at the curb or pavement line shall be divided equally on each side of each entrance or drive.

B. MULTI-FAMILY

1. Multi-Family Driveways (more than one dwelling unit) shall be constructed of Portland cement concrete of at least Six Inches (6") thickness or Three Inches (3") of bituminous pavement with a Ten (10") Inch aggregate base. All materials shall conform with IDOT specifications (latest edition) on file with the Village Engineer.

2. The width of the driveway shall not exceed Thirty Feet (30') at the property line for a single drive or no more than Twenty-Four (24') if more than one drive is required. If more than One drive is required, a safety island of not less than Twenty Feet (20') at the property line shall be provided between the edges of adjacent drives. Not more than Two (2) driveways will be allowed for each One Hundred Fifty Feet (150') of continuous frontage. The Board of Trustees reserves the right of waive the width requirements.

3. The width of the opening (flared or radial) at the curb or pavement line shall be no greater than Fifteen Feet (15') nor less than Ten Feet (10') in addition to the width of the driveway at the property line. The additional width granted at the curb or pavement line shall be divided equally on each side of each entrance or drive.

C. SINGLE FAMILY

1. Driveways for single family residential houses shall be constructed of Portland cement concrete at least Four Inches (4") thickness or Two Inches (2") of bituminous pavement with a Six-Inch (6") aggregate base. All materials shall conform with IDOT specifications (latest edition) on file with the Village Engineer.

2. The width of the driveways shall not be less than Twelve Feet (12') nor more than Twenty Four Feet (24') at the property line for residential house with a Two (2) car garage and Thirty Feet (30') at the property line for a residential house with a Three (3) car attached garage. Only One (1) driveway shall be allowed for each residential house. The Board of Trustees reserves the right to waive the requirements regarding the width and number of driveways.

3. The width of the opening (flared or radial) at the curb or pavement line shall be no greater than Ten Feet (10') nor less than Five Feet (5') in addition to the width of the driveway at the property line. The additional width granted at the curb or pavement line shall be divided equally on each side of the drive.

D. GENERAL

1. Where a driveway of any kind of material is constructed across the sidewalk space, it shall conform to the sidewalk grade as established by the Village Engineer.

2. Where a driveway of any kind of material is constructed across an existing sidewalk, said sidewalk shall be removed and replaced with Portland cement concrete for the full width of the driveway and for a distance of at least Twelve Inches (12") on both sides of said driveway. This portion shall be no less than Six Inches (6") in thickness and constructed in accordance with sketches on file in the office of the Village Engineer.

3. All driveways whether new construction or reconstruction, shall be constructed of Portland Cement or Bituminous Pavement as specified in this ordinance and shall be completed within One year of the date of issuance of the driveway permit. Temporary driveways prior to the final installation of Portland Cement or Bituminous Pavement shall be constructed of a minimum of 6" of aggregate base for residential single family homes and a minimum of 10" of aggregate base for Commercial/Industrial and Multi-Family drives.

4. Where paving in the public street is of concrete, and a concrete driveway is constructed, a One Inch (1") bituminous premolded expansion joint shall be place against the existing concrete pavement, curb, and sidewalk in accordance with IDOT specifications (latest edition) on file with the Village Engineer.

5. All driveways shall be so graded between the street and the sidewalk that it will not be necessary to change the established grade of either and will not elevate or depress any portion of either. No part of said driveway shall extend beyond the curb line or edge of street pavement in such a manner as to change the grade of said street or obstruct the free flow of water in any gutter. Where elevations or depressions are necessary in the parkway strip between the curb and walk, said parkway shall be graded on both sides of the driveway to a distance sufficient to create a gradual ascent or descent.

6. Where curbs exist, combined curb and gutter and separate curbing shall be entirely removed for the full width of the driveway opening at the curb line or as directed by an agent of the Village. If an existing joint said curb is within Five Feet (5') of the end of the driveway opening, remove the existing curbing to said joint, otherwise cut said combined curb and gutter or separate curbing, making a neat edge truly at right angles to the edge of the pavement and truly vertical. Integral curbing, which is that type placed with the pavement and molded as an integral part of it, must be removed for the full depth from the top of curb to the bottom of the pavement. The edge must be cut as above described. No combined curb and gutter, straight curb or integral curb shall be removed within Five Feet (5') of a public crosswalk.

7. Where driveways cross open ditches in the parkway, culverts shall be installed. Said culverts shall be of such size and length and shall be constructed of such material as determined by an agent of the Village, depending on the conditions existing. In no instance shall the size of the opening be less than that obtained by a Fifteen Inch (15") diameter pipe.

8. Where an existing catch basin is in the area of the proposed driveway, the grate and frame shall be replaced with a heavy duty grate and frame intended for vehicular traffic. The additional cost thereof shall be paid by the Owner or Contractor.

9. Where a storm sewer lid or an inlet not intended for vehicular traffic is in the area of the proposed driveway, the lid or inlet and frame shall be removed and replaced with an inlet and frame intended for vehicular traffic. The additional cost thereof shall be paid for by the Owner or Contractor.

10. Where any existing utility shutoff or control valve, fire hydrant or utility pole is in the area of the proposed driveway, such changes or relocations must be arranged with the utility or fire department involved as may be required by said utility or fire department, and the additional cost thereof shall be paid by the Owner or Contractor.

11. All driveways constructed or reconstructed over, across or upon any public street or public parkway in the Village shall be kept and maintained at all times in accordance with the provisions hereof by the persons so constructing, reconstructing or using the same as an adjunct or appurtenance to lands or properties immediately adjacent thereto.

12. All private driveways shall be located a distance of at least Three (3') Feet from the nearest property line that runs parallel to the driveway.

13. If a driveway is to be shared by Two adjacent property owners or is located over a property line, then the width of said driveway shall not exceed a total of Thirty (30') Feet at the property line which separates public right-of-way from private property.

14. For the purpose of off-street parking, no portion of a driveway on private property in single family residential districts in any yard shall exceed more than Twenty-Four (24') Feet in width on existing nonconforming substandard lots, nor more than Thirty-Six (36') Feet in width on conforming lots.

10.204. PERMIT FEE. The permit fee shall be according to a schedule.

10.205. PENALTIES. Any person, persons, corporation, firm or any organization or concern who shall violate any provision of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100) and each and every day such violation continues shall constitute a new and separated offense.

**ARTICLE III. EMERGENCY NO PARKING (SNOW)
(RESERVED)**

ARTICLE IV. UNOBSTRUCTED VIEW AT INTERSECTIONS.

10.401. SIGHT CLEAR DISTANCE. On any corner lot, within One-Half of the right-of-way width from the intersection of the nearest right-of-way lines, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of Three (3') Feet and Ten (10') Feet above the plane surface formed by the centerline grades of the intersecting streets.

10.402. PENALTIES. Any person violating or disobeying this Ordinance shall be fined upon conviction not less than (\$10) nor more than (\$100) for each offense with the fine to be recovered in the manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which the violation of this Ordinance occurs or continues.

ARTICLE V. NON-ROUTINE MAINTENANCE.

10.501. APPROVAL. All non-routine street maintenance shall be approved by the Village Board before proceedings with the project.

10.502. DEFINITION OF. Non-routine street maintenance items are defined as any expenditure of maintenance or improvement of streets within the Village with the exception of those items listed in **Article VII. "ROUTINE MAINTENANCE"**.

ARTICLE VI. MAINTENANCE & REPAIR OF SIDEWALKS.

10.601. DUTY. It shall be the duty of each owner or occupier of any lot or part of a lot abutting a public sidewalk to maintain such sidewalk in good repair.

10.602. INSPECTION. The Village Roads & Capital Improvements Chairman, may institute a program of inspection of public sidewalks. If such inspection reveals any sidewalk to be in a state of disrepair, an agent designated by the Village Board shall notify the owner of abutting property, in writing, of the location of such sidewalk and the condition constituting disrepair.

10.603. NOTICE. The written notice required by 10.602 of this Ordinance shall constitute constructive notice.

10.604. DUTY FOR REPAIR OR REPLACEMENT. Upon constructive notice of sidewalk disrepair it shall be the duty of the owner of property abutting said sidewalk to cause necessary repairs or replacement of such sidewalk to be made within Thirty (30) Days of such notice, except that if such notice is made after October 15 of any year and before April 15 of the following year, repairs will not be required until the following May 15.

10.605. PENALTY. If the owner of said abutting property fails to make the required repair or replacement within the time above specified, the Village Clerk, or an agent designated by the Village Board shall report same to the Village Attorney, who shall initiate procedures against appropriate persons as provided by law.

10.606. AUTHORITY. Nothing contained in this Ordinance shall prevent an agent designated by the Village Board from repairing or removing any public sidewalk found to be in disrepair.

10.607. CONSTRUCTION MATERIALS. Sidewalks shall be constructed as outlined in Appendix C -Subdivisions of the Municipal Code of the Village of Caledonia.

ARTICLE VII. ROUTINE MAINTENANCE.

10.701. AUTHORIZATION. The Roads & Capital Improvements Chairman is hereby authorized to cause to be carried out the following routine maintenance. This authorization is to be reviewed once each fiscal year by the Board of Trustees.

A. Snow plowing, after an initial snow fall of two (2") inches or more, or in conditions where roads are closed by blowing or accumulation, and all reasonable follow-up snow plowing.

B. Sanding for ice conditions and soft roads (bleeding streets).

C. Salting.

D. Any emergency.

10.702. LIMITATIONS. The Roads & Capital Improvements Chairman, cause to carry out the following routine maintenance within budgeted limitations.

A. Signing.

B. Patching holes.

C. Grading.

D. Graveling roadway shoulders.

E. Roadway striping.

F. Mowing rights of way.

G. Painting school crosswalks.

H. Dry-well cleaning after initial clean out.

I. Maintenance of pipe culverts under streets.

J. Tree and stump removal, also tree trimming.

**ARTICLE VIII. MAINTENANCE-UNACCEPTED STREETS
(RESERVED)**

ARTICLE IX. PREVAILING WAGE/PUBLIC WORKS

10.901. ESTABLISHED. To the extent and as required by "An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the State, County, City or any public body or any political subdivision or by any one under contract for public works" approved June 26, 1941, as amended, the general prevailing rate of wages in the locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the County area as determined by the Department of Labor of the State of Illinois as

of June, 1982. The definition of any terms appearing in this Article which are also used in aforesaid Act shall be the same as in said Act.

10.902. APPLICATION. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of this Village to the extent required by the aforesaid Act.

10.903. DETERMINATION POSTED. The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of this Village this determination of such prevailing rate of wage.

10.904. MAILING OF. The Village Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wage will be affected by such rates.

10.905. FILING REQUIREMENTS. The Village Clerk shall promptly file a certified copy of the yearly Prevailing Wage Ordinance with both the Secretary of State and the Department of Labor of the State of Illinois.

10.906. PUBLICATION. The Village Clerk shall cause to be published in a newspaper of general circulation within the area a copy of the yearly Prevailing Wage Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this body.

ARTICLE X. TREES ON PUBLIC PROPERTY.

10.1001. DEFINITIONS.

A. Whenever the words "parkway" or "terrace" are used in this Article they shall mean:

1. ON CURBED STREETS. That part of the public right-of-way lying between said curb and any adjacent sidewalk, or if no sidewalk, that part between side curb and adjacent property line.

2. ON NON-CURBED STREETS. That part of the public right-of-way lying between the edge of the maintained road surface and any adjacent sidewalk, or if no sidewalk, that part between said maintained road surface and the adjacent property line.

B. Whenever the words "maintained roadway" are used in this Article they shall mean:

1. That portion of the public right-of-way which is paved or otherwise maintained for the purpose of vehicular movement, or

2. In the case of dedicated roadways not yet improved, that portion of the dedicated roadway which would be reasonably expected to become an improved surface at some later date.

10.1002. PERMIT REQUIRED FOR PLANTING OR REMOVAL OF SAME.

No person shall plant or transplant, trim or remove a tree or shrub on public property, terrace, or parkway without first obtaining a written permit for such work from the Village Clerk.

10.1003. FEE. There shall be no fee for said permit.

10.1004. PLANTING REGULATIONS. No tree or shrub shall be planted on public property, terrace, or parkway on streets with less than a 60 Foot right-of-way. No trees or shrub shall be planted on public property within Six (6) Feet of any driveway. Any tree or shrub planted pursuant to section 10.1002. Of this Article must be exactly Eight (8) Feet from the property line.

10.1005. ACCEPTABLE TREES. Under the provisions of section 10.1002, the following described "shade" trees may be planted or transplanted on public property, terrace, or parkway except beneath or near overhead electric power lines:

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Blue Ash	Fraxinus Quadrangulata
Marshall Seedless Ash "Marshall Seedless"	Fraxinus Pennsylvania
Summit Ash "Summit"	Fraxinus Pennsylvania
Thornless Honeylocust	Gleditsia Triancanthis
American Linden	Tilia Americana

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Little Leaf Linden	Tilia Cordata
Redmond Linden "Redmond"	Tilia Americana
Norway Maple	Acer Platanoides
Red Maple	Acer Rubrum
Sugar Maple	Acer Saccharinum
Pin Oak	Quercus Palustris

1. The Board of Trustees reserves the right to waive the requirements regarding the type of "shade" tree that is allowed to be planted in the public right-of-way.

Under the provisions of section 10.1002, the following described "ornamental" trees may be planted or transplanted on public property, terrace or parkway beneath or near overhead electric lines:

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Amur Maple	Acer Ginnala
Sargent Crab apple	Malus Sargentii
Knockspur Hawthorn	Crataegus Crusgalli
Washington Hawthorn	Crataegus Phaenopyrum
Service Berry	Amelanchier Canadensis
Flowering Crab	Malus Vanguard

1. The Board of Trustees reserves the right to waive the requirements regarding type of "ornamental" tree that is allowed to be planted in the public right-of-way.

10.1006. PENALTIES. Any person who shall remove a tree in violation of section 10.1002, of the Article shall be subject to a fine of (\$500) plus costs incurred for removal of the stump and replacement of the tree. Any person who shall plant a tree in violation of section 10.1005. Shall be subject to cost incurred for removal of the tree.

10.1007. Any person who intends to plant or remove any tree or shrub on public property must first have all underground facilities (underground power, telephone, gas lines, etc.) marked out by **J.U.L.I.E.** or other recognized underground facilities locator.

**ARTICLE XI. MAINTENANCE-CERTAIN ALLEYS
(RESERVED)**

**ARTICLE XII. ADDITION OF FRONTAGE ROADS TO STREET SYSTEM.
(RESERVED)**

ARTICLE XIII. REGULATE ENCROACHMENT/RIGHT-OF-WAY/STREET; REGULATE ENCROACHMENT/RIGHT-OF-WAY; REGULATE ENCROACHMENT/RIGHT-OF-WAY/PUBLIC PROPERTY.

10.1301. DEFINITIONS.

A. "Roadway Right-of-way" is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

B. "Encroachment" is defined as any building, fence, sign, or any other structure (with the exception of utilities, mailboxes, public road signs, and other public facilities) which is placed, located or maintained in, on, or over any portion of the roadway right-of-way or public property.

10.1302. ENCROACHMENT PROHIBITED. It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, an **ENCROACHMENT** (herein above defined) on any property owned by or under the jurisdiction of the Village of Caledonia, including, but not limited to, any Village street, right-of-way, easement, park, or any other property owned by or under the jurisdiction of the Village of Caledonia, except as provided in section 10.1002. Of the Village of Caledonia Code. The Enforcement Officer has the responsibility for enforcing this ordinance and has the authority to remove any and all encroachments in violation of this ordinance.

10.1303. INTENT. This Article is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

10.1304. PENALTY. Any person, persons, corporation, firm or organization or concern which shall violate any provision of this ordinance or fail to remove violating encroachment after initial contact, either personally or in writing, by the Enforcement Officer shall be guilty of a petty offense and upon conviction shall be fined not less than (\$50). For each and every day the violation persists shall constitute a separate violation.

ARTICLE XIV. PROHIBIT CONNECTION OF SANITARY OR INDUSTRIAL WASTE SEWERS TO STORM WATER DRAINAGE SYSTEMS

10.1401. PROHIBITED. It shall be unlawful for any person, firm or corporation to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substance, to any storm water drain in the Village of Caledonia.

10.1402. PENALTY. Any person, firm or corporation violating this Article shall be fined not less than (\$100) nor more than (\$500) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

ARTICLE XV. PROHIBIT DELIBERATE PLACEMENT OF SNOW ON SIDEWALKS BY INDIVIDUALS.

10.1501. PROHIBITED. It shall be deemed illegal to deliberately place snow on public rights-of-way and sidewalks by individuals.

10.1502. PENALTY. Any person, persons, corporation, firm or organization or concern which shall violate any provision of this ordinance shall be guilty of a petty offense and upon conviction shall be fined not less than Fifty Dollars (\$50). Each and every day the violation persists shall constitute a separate violation.

ARTICLE XVI. PROHIBITING OBSTRUCTIONS ABOVE SIDEWALKS.

10.1601. PROHIBITED. Any tree, shrub, or any other object which overhangs any sidewalk in such a way as to impede or interfere with pedestrian traffic shall be trimmed or removed by the owner of the abutting premises on which such tree, shrub, or any other object grows or is located so that obstruction shall cease.

10.1602. PENALTY. Any person, persons, corporation, firm or any organization or concern who shall violate this ordinance shall be fined upon conviction not less than (\$10) nor more than (\$100) for each offense with the fine to be recovered in the manner and form as provided by law. A separate offense shall be deemed committed upon each day by law. A separate offense shall be deemed committed upon each day during or on which the violation of this ordinance occurs or continues.

**ARTICLE XVII. BLOCK PARTY PERMIT
(RESERVED)**

ARTICLE XVIII. RECONSTRUCTION OF EXISTING STREETS.

10.1801. All reconstruction of existing streets shall be done to comply with the standards and specification set by Appendix C - Subdivisions, or the Municipal Code of Caledonia.

ARTICLE XIX. TREES ON PRIVATE PROPERTY.

10.1901. REGULATIONS. It shall be unlawful for any person, persons, corporations, firms or organizations to allow or maintain any tree, shrub or plant on private property with an infectious disease or insect problem resulting in the tree, shrub or plant being dead or dying or causing limbs to obstruct the public right-of-way in any way including, but not limited to, obstruction of traffic control devices, free passage of pedestrians or vehicles or posing a threat or a potential threat to public safety. Any tree, shrub or plant in such condition shall be deemed a public nuisance.

10.1902. INSPECTION. The Roads & Capital Improvements Chairman may institute a program of inspection. If such inspection reveals that any tree, shrub or plant is found to be a public nuisance, the Enforcement Officer shall notify the owner of the property, in writing, of the location of such tree, shrub or plant and the condition which constitutes a nuisance. The Enforcement Officer has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance and to order its removal if necessary.

10.1903. VIOLATION NOTICE. Any property owner who is given a Thirty (30) Day notice in writing 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 from the Enforcement Officer to remove such tree, shrub or plant, shall remove said tree, shrub or plant within said Thirty (30) Day period. In the event the owner, after receipt of said notice refuses or neglects to remove such tree, shrub or plant, the Village may remove the same and collect from the owner of the premises the reasonable cost thereof. Within Sixty (60) Days after such cost and expense is incurred by the Village, the Enforcement Officer shall file a notice in the office of the Recorder of Deeds of Boone County consisting of a sworn statement setting out: (1) a description of the real estate sufficient for

identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, (3) the date or dates when such cost and expense was incurred by the municipality. Said notice shall be a lien upon the real estate affected superior to all subsequent liens and encumbrances except tax liens.

However, the lien of the Village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the tree, shrub or bush and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgagee, judgement creditor or other lienor whose rights in an to such real estate arose prior to the filing of such notice.

10.1904. PENALTY. Any person, persons, corporations, firms or organizations which shall violate any provision of this Article shall be fines not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), plus cost of court. Each day any violation of this Article shall continue shall constitute a separate offense.

**ARTICLE XX. REMOVAL OF SNOW FROM UNACCEPTED
STREETS. 10.2001. DEFINITIONS.**

A. "Village" is defined as the Village of Caledonia.

B. "Unaccepted Street" is defined as any street that has been constructed under the provisions of the Subdivision Code by a person, corporation, organization or other entity, that has not been accepted by the Village under the provisions of the Subdivision Code by the Village of Caledonia.

C. "Snow Emergency" is defined as a snowfall event that an accumulation of two (2) inches or greater.

D. "Developer" is defined as persons, corporation, organization or other entity that has caused the subdivision to be platted, subdivided and/or the public infrastructure constructed.

10.2002. REGULATIONS.

A. Within six (6) hours of a snow emergency being declared by the Village of Caledonia, the developer that has caused an unaccepted street to be constructed shall, at their own expense, cause the snow accumulation to be removed from said unaccepted street. Within six (6) hours after the end of a snow accumulation that has caused a snow emergency to be declared, the developer shall, at their own expense, remove any remaining snow accumulation from said unaccepted street.

B. If the developer has not caused the snow accumulation to be removed as provided in subparagraph A, the Village may cause the snow to be removed and charge the developer the expense of the snow removal as provided in subparagraph C.

C. The Village shall provide an invoice to the developer detailing the number of hours, the operation description and the hourly rate for each operation, and a total cost of snow and ice removal operations. The amount that the developer shall be required to reimburse the Village for shall be calculated by multiplying the total cost of snow and ice removal operations by 1.25. The developer shall reimburse the Village within 30 days of the date of the invoice.

10.2003. PENALTY. Any developer violating this shall be subject to a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), and each and every day the violation continues shall constitute a separate offense.

CHAPTER XI

ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL.

11.101. ADOPTION OF STATE LAW. All provisions of the Illinois Revised Statutes 1965, Chapter 43, Section 94 et seq. Shall be hereby made a part of this chapter insofar as the provisions of such law pertain to the Village of Caledonia.

11.102. LIQUOR CONTROL COMMISSIONER. The President of the Village Board who shall be charged with the administration of the appropriate provisions of the state law and this chapter.

11.103. LIQUOR COMMISSION. The President of the Village Board shall appoint **four (4) of its members** to assist him in the exercise of his powers and the performance of the duties of this chapter and state law. Such members, together with the President shall constitute the **Village Liquor Commission**.

11.104. MANNER OF AMENDING CHAPTER. This chapter or any part thereof may be amended by an ordinance receiving a concurrence of a majority of all members then holding office on the Village Board, including the President. Any ordinance proposing an amendment to this chapter shall be automatically laid over and referred to the next regular meeting of the Village Board unless this rule is waived by a majority vote of all members then holding office on the Village Board, including the President.

11.105. EVASION OF LAW PROHIBITED. The free dispensing, giving away or delivering of any alcoholic liquor for the purpose of evading any provisions of this chapter or state law or any other shift or device to evade any provision of this chapter shall be held to be an unlawful selling and shall ipso facto revoke a liquor license.

11.106. PROHIBITED SALES GENERALLY. No licensee shall see, offer for sale or furnish alcoholic liquor to any person or patron except on the licensed premises; the serving of liquor to persons for consumption of permitting the consumption in parked automobiles or at tables outside the building or bar room where the same is sold is hereby prohibited. This Section shall not be interpreted to preclude sale of alcoholic beverages for consumption in a patio or beer garden immediately adjacent to the licensed premises, in the event a patio or beer garden license is obtained from the Liquor Control Commissioner, provided that said patio or beer garden is completely fenced so that it is not open to view from the street and may be entered only through the licensed premises.

11.107. PREMISES NOT TO BE LOCATED NEAR FOREST PRESERVE. No license shall be issued for a proposed place of business which is

within Fifteen Hundred Feet of any territorial limit of an forest preserve except the licenses may be issued for use within forest preserves.

11.108. PREMISES NOT TO BE BELOW GROUND LEVEL. No license shall be issued for any proposed place of business other than one located on the street or ground level floor of any place, building or structure.

11.109. SANITATION OF LICENSED PREMISES. GENERALLY. All premises used for the retail sale of alcoholic liquor or the storage of such liquor for sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with all applicable Village ordinance and state statutes including, but not limited to, the health codes, zoning codes, and building codes.

HOT AND COLD RUNNING WATER. All sinks and particularly those at the bars and counters used for the cleaning and sterilizing of glasses, dishes, receptacles and utensils shall be provided with running hot and cold water.

STERILIZATION, ETC., OF UTENSILS. All glasses, utensils and other appliances used in preparation, service and sale of alcoholic liquor shall be properly cleaned and sterilized with steam or warm water and chemicals approved by the state after use, and no utensil shall under any circumstances be used a second time unless it shall have been after previous use thereof so cleaned and sterilized. In so cleaning glasses and utensils, the use of water which has been made unsanitary by previous use is prohibited.

COILS, FAUCETS, ETC. All coils, faucets and other appurtenances used in dispensing alcoholic liquors shall be of such material as will not chip, corrode or be injurious or deleterious to health. All connections shall be made with block tin pipe.

CONTAGIOUS, ETC. DISEASES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease; and, it shall be unlawful for any person who is afflicted with or 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 alcoholic liquor.

VENTILATION; TOILETS. All premises licensed under this chapter shall be properly ventilated and supplied with separate and sufficient toilet arrangements for each sex, toilets to be of water closet combination type and located inside the licensed premises.

11.110. REGULATIONS AS TO DRUNKARDS AND CRIMINALS GENERALLY.

It shall be unlawful for an licensee to allow persons in a drunken condition to remain upon or loiter in and around any licensed premises or to harbor, conceal, aid or assist any person who has committed any criminal offense against the laws of the state, or to refuse to aid or assist the law enforcing officers of the Village in the apprehension of persons accused or suspected of crime.

And further, it shall be the personal responsibility and duty of the licensee to maintain peace and order on the licensed premises and to maintain such premises free from rowdiness, rioting, fighting, brawling, shootings, cuttings, stabbing, and any and all such related conduct.

11.111. SALES TO HABITUAL DRUNKARDS. No licensee shall sell, give or deliver alcoholic liquor to any person known by him to be an habitual drunkard.

11.112. REGULATIONS CONCERNING MINORS.

A. It shall be unlawful to employ any person under the age of 21 years of age in any place in the Village to mix, handle or dispense alcoholic beverages. Employees must be 21 years of age or older to act as a clerk to be authorized to sell alcoholic beverages at check out counters for the sale of packaged goods or for goods to be consumed on the premises. Employees other than defined above may be 18 years of age in any place in the Village which serves alcoholic beverages. Bartenders and retail check out clerks must be 21 years or older to handle alcoholic beverages. Wait staff or other persons, employed by a Licensee with a restaurant license, serving alcoholic beverages must be 18 years or older. Bus boys or other staff employed by the Licensee other than bartenders, retail check out clerks or wait staff, may be less than 18 years old.

B. Except as herein provided and as provided in Subsection (A) of this Section, no person under the age of Twenty-One (21) Years shall attend any premises where alcoholic liquors are sold or dispensed unless accompanied by his or her parent or legally appointed guardian unless such person is in the exercise of his or her legitimate business or trade.

C. It shall also be unlawful for any person under Twenty-One (21) Years of age to purchase or otherwise obtain or to attempt to purchase, or otherwise obtain alcoholic liquor from any person, whether engaged in the retail sale of intoxicating liquor or otherwise; or to consume intoxication liquor, or to make false statements, or to furnish, present or exhibit any fictitious or false registration card, or identification card, or other document indicating that such person is of age; or, to engage or utilize the service of any other person, whether for remuneration or not, to procure for such person any such intoxication liquor.

D. It shall be unlawful for any licensee or any officer, associate, member, representative, agent, or employee of such licensee to 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, spend-thrift, insane, mentally ill, mentally deficient or in need of mental treatment. 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. For the purpose of preventing the violation of the Section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of Twenty-One (21) Years.

Adequate written evidence of age and identity of the person is a document issued by a Federal, 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 Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant/licensee, or his employee 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 to any proceedings for the suspension or revocation of any license based thereon.

It is unlawful to sell, give, or furnish 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 to sell, give or furnish to any person under the age of Twenty-One (21) Years, evidence of age and identification of any other person.

It is unlawful for any person under the age of Twenty-One (21) Years to present or offer 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 or ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or to have in his possession any false or fraudulent written, printed or photostatic evidence of age and identity.

It is unlawful for any person under the age of Twenty-One (21) Years to have any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public.

Any person, firm or corporation violating the provisions of Section 11.113. Shall be fined, upon conviction not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus costs of court for each offense.

11.113. BUSINESS HOURS, ETC. No alcoholic liquor shall be sold, offered for sale, given away, purchased, obtained, attempted to be obtained, attempted to be purchased, accepted as a gift, carried out of or consumed by anyone, including the owners or employees thereof, on or in any premises licensed under this chapter from 2:00 A.M. until 6:00 A.M. the same morning, except that no such sales, gifts, carrying or consumption shall be permitted between the hours of 2:00 A.M. Sunday and 6:00 A.M. Monday, not shall anyone, excluding owners and employees acting within the scope of their employment, be in the premises during the time from 30 minutes after the applicable closing time for the license holder and permissible opening time the following day.

Provided that on December 31, it shall be lawful for alcoholic liquor to be sold or offered for sale, or consumed on or in any premises licensed under this chapter between normal opening hours for that day and 3:00 A.M. January 1.

Provided that any holder of a Class "A", "C", "D" or "R" license under this chapter who wishes to sell, offer for sale, give away, or permit carrying out of or consumption of alcoholic liquors on Sundays in or on licensed premises, must apply for and obtain a Class "S" license before engaging in such activity, and pay the required fee therefor.

Alcoholic liquors may be sold, offered for sale, given away, carried out of or consumed in any premises licensed under this Chapter as Class "S" on Sundays only between the hours of 11:00 A.M. and 12:00 o'clock midnight.

Alcoholic liquors may be sold, offered for sale, given away, consumed by anyone on any premises licensed under this chapter as Class "B" on Sundays between the hours of 8:00 A.M. and 11:00 P.M.

The hours of opening and closing as defined in this section shall be applicable to either central standard time or central daylight savings time, whichever is in effect in Boone County.

In addition to the business hours stated herein, the holder of a Class "TE" temporary license issued by the Liquor Commissioner of the Village of Caledonia, pursuant to Section 11.214 (L) shall be entitled to sell, offer for sale, give away, or permit the carrying out of or consumption of alcoholic liquor for the additional hours on a specified day or days as set forth on said Class "TE" temporary license for only the type of sales authorized by the particular class license of the licensee.

11.114. DUTY OF LICENSEE TO EMPLOY A SECURITY OFFICER. On the licensed premises where dancing is permitted or where in the judgement of the Liquor Control Commission it is necessary for the purpose of keeping order, or where in the judgement of the Commission the parking or departing of automobiles is obstructing or endangering traffic, it shall be the duty of the licensee upon

the request of the Commission to engage a security officer at the expense of the licensee during such hours as it may be deemed necessary by the Commission.

11.115. BRINGING IN LIQUOR TO BE CONSUMED ON PREMISES. It shall be unlawful to consume on the licensed premises alcoholic liquors other than those furnished by the licensee, the bringing in of liquor by patrons for personal consumption of the licensed premises being hereby prohibited.

11.116. POSSESSION OF FEDERAL WAGERING STAMP BY LICENSEE, ETC. It is unlawful for any person licensed under the provisions of this chapter, employee or his agent to have in his possession a federal wagering stamp as provided by the provisions of the Revenue Act of 1951 enacted by the Congress of the United States of America. The possession of such stamp shall be considered cause for revocation of his liquor license by the Village Liquor Control Commission. Possession of such stamp shall be considered prima facie evidence by the Commission that gambling has occurred on the premises of a licensee.

11.117. PROSTITUTES: LEWDNESS: GAMING IN PREMISES: REPORT OF PERSONS EMPLOYED. It shall be the duty and responsibility of every licensee under this chapter that no lewd persons or prostitutes remain in or about the licensed premises and that no soliciting to prostitution, practices of prostitution, or lewdness, idleness, gaming, fornication or other misbehavior is conducted on such licensed premises. He shall within Seven Days (7) after employment commences report to the Village Liquor Control Commission, in writing, stating name, address, age, condition of health and length of residence in the county of every person employed by him in connection with such licensed premises.

11.118. LOCATION OF PACKAGED LIQUOR. It shall be the duty and responsibility of every licensee under this chapter also selling other general merchandise when the principal business of the licensee is not the sale of alcoholic liquor, to segregate all alcoholic liquors in the original and unbroken packages on the premises into a separate area within the premises.

11.119. SELLING SINGLE BOTTLES PROHIBITED. It shall be unlawful for any licensee also selling other general merchandise when the principal business of the licensee is not the sale of alcoholic liquor, to sell beer or wine cooler by the can or the bottle except the beer and wine cooler in cans or bottles except the beer and wine cooler in cans or bottles containing more than 16 ounces. This Section also does not apply to a restaurant as defined in Illinois Revised Statutes, Chapter 43, Section 95.23, or a club, as defined in Illinois Revised Statutes, Chapter 43, Section 94.24, or a hotel, as defined in Illinois Revised Statutes, Chapter 43, Section 95.25, or a bowling alley, as defined in Illinois Revised Statutes, Chapter 43, Section 95.26.

A. PENALTY. Any licensee violating the provisions of this Section shall be fined not less than One Hundred Dollars (\$100) not more than Five Hundred Dollars (\$500) plus costs of court for each offense.

ARTICLE II. RETAIL LICENSES

11.201. DEFINITIONS OF LAPSED, REVOKED AND CANCELLED LICENSE..

A. A license shall be treated as lapsed where a complete application for renewal of the same shall not have been filed on or prior to the expiration date thereof.

B. A revoked license is one that has been made inoperative pursuant to law.

C. A cancelled license is one that has been voluntarily surrendered by the licensee.

11.202. REQUIRED. It shall be unlawful for any person to manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes in the Village of Caledonia, Illinois without having first obtained a retailer's license so to do issued by the Village Liquor Control Commissioner in keeping with the provisions of this chapter and the Illinois Liquor Control Law.

11.203. APPLICATIONS GENERALLY. Applications for licenses from the Village Liquor Control Commission shall be made in writing, under oath and on forms of application furnished by the Village Clerk, such applications shall contain the information and statements as set out in state law for a state license.

11.204. REFERRAL OF APPLICATION; EXAMINATION OF APPLICANT. All applications for licenses shall be referred to the Village Liquor Control Commission. It is empowered to grant licensed subject to the provisions set forth in the state law and this chapter. It shall be the duty of the commission to check the applicant's record with the Boone County Sheriff's Police, and the state's attorney of the county. In addition, the Commission shall require the fingerprinting of each applicant and the submission of such fingerprints to the Illinois State Police, Bureau of Identification for the report. The processing fee charged to the Village by the Illinois State Police shall be paid by the applicant. If any applicant for a liquor license shall not have resided in the county for at least Ten Years immediately prior to his application, the Commission shall have the duty to inquire of the police department, county sheriff and state's attorney in the county wherein the applicant has resided during the Ten Years immediately prior to the date of his application.

11.205. PERSONS INELIGIBLE FOR LICENSE GENERALLY. No license shall be granted to any person who has been convicted of a felony under any federal or state law, if the Liquor Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust, or to a person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality, or a person who has been convicted or being the keeper or is keeping a house of ill fame, or a person who is not of good character and reputation in the community in which he resides, or a person who is not a citizen of the United States. It shall be unlawful for a licensee to employ a person to operate or be in charge of such licensed premises unless he can and does so qualify as a licensee under the state law and this chapter before the Village Liquor Control Commission.

11.206. DRAM SHOP INSURANCE. At the time of application for or renewal of a liquor license, the applicant must show proof of dram shop insurance. It is the responsibility of the applicant to maintain insurance coverage during the entire period the license is in effect. Voluntary or involuntary cancellation of dram shop insurance gives the Village the right to revoke the liquor license immediately.

11.207. APPLICANT TO SHOW OWNERSHIP, ETC., OF PREMISES. At time of application for a liquor license the applicant shall show evidence of ownership or a bona fide lease for the premises to be used in such business to cover the period for the requested annual liquor license.

11.208. AGREEMENT BY APPLICANT. Each applicant for a license required by section 11.202. Shall agree in his application to comply with all the restrictions and regulations imposed by the laws of the state and this chapter and other ordinances or resolutions of the Village in force at the time of making such application or that may thereafter be passed relating to the sale at retail of alcoholic liquors, and shall authorize the Liquor Control Commissioner to revoke such license for violation of such agreement, and that the license fee, paid for such license shall be forfeited to the Village.

11.209. DURATION AND EXPIRATION DATE; CONTENTS, ETC. All licenses issued by the commission shall be annual licenses and shall expire on April Thirtieth following their issuance and shall state thereon the name of the licensee and the address and description of the premises for which the license is granted, together with the date of its issuance and expiration. It shall be the duty of the Liquor Commission to see that all licenses are returned to the files of the commission upon expiration or revocation.

Each license shall contain the following clause, "Subject to revocation and under such restrictions and regulations as provided by Illinois Liquor Control Law and Resolutions of the

Village Board regulating the sale at retail of alcoholic liquor, and laws and resolutions amendatory thereto."

11.210. EXECUTION; RENEWALS TO BE IDENTICAL WITH ORIGINALS.

All licenses shall be signed by the Liquor Control Commissioner and every renewal shall be in all respects identical with the original of first license.

11.211. CONTROL OF NUMBER OF LICENSES ISSUED. After the effective date of this ordinance, any increase in the licenses issued by the Village of Caledonia, except as otherwise provided herein, shall require an affirmative vote of a majority of the Village Board of Trustees. Furthermore, any changes in license classification shall require a majority affirmative vote of the Village Board members.

Notwithstanding anything to the contrary contained herein, whenever any new territories annex to the Village of Caledonia, Illinois, and within said territory there is in existence a liquor license or licenses from the County of Boone, Illinois, then upon annexation to the Village of Caledonia, the number of licenses within the Village of Caledonia shall be increased in number automatically be the number license contained in said annexed territory. The additional licensed shall be of the same class as the licensed issued previously by the County of Boone within said territory. The Liquor Commissioner, shall issued new licenses to the previous holders of said Boone County Liquor licensed upon receipt of the appropriate fee in the amount set forth by ordinance for that classification of a liquor license. Upon receipt of said fee, the Liquor Commissioner is authorized to issue such liquor license.

11.212. EFFECT OF ISSUING NEW LICENSES. Nothing by reason of the issuance of a new license either in connection with the transfer of a business to a new location or to a new owner at an old location shall entitle any other applicant to a license for other premises.

11.213. ONE LICENSE FOR EACH BAR; EXCEPTION. Only one bar shall be operated under one license, except, however that any licensee holding a Class "A", "B", or "C" license may obtain an additional permanent bar installation within the licensed premises, as provided in section 11.214.

11.214. CLASSES AND NUMBER OF LICENSES; AMOUNT OF FEES. The classification of licenses authorized to be issued under this Chapter and the license fees, and restrictions on the number of such licenses shall be as follows:

A. CLASS "A" LICENSES which shall authorize the retail sale on the premises specified of alcoholic liquors consumption of the premises as well as other retail sale of such liquor, which shall include sales by original package; provided, however, that sales by original and unbroken packages, except for beer, must be made from a location behind or immediately adjacent to the regular service bar. The annual fee for such license shall be One Thousand Two Hundred Dollars (\$1,200) which license fee the Village Clerk shall transmit to the Village Treasurer. In the event that the holder of a Class "A" license shall elect to engage in the sale of alcoholic liquor by original and unbroken packages, except for beer, from a location which is not behind or immediately adjacent to the regular service bar, then the annual fee for such license shall be One Thousand Three Hundred Fifty Dollars (\$1,350). The Village Liquor Control Commissioner shall not issued during any license period more than Eight (8) Class "A" licenses, including renewals of licenses not lapsed, revoked or cancelled and new licenses.

B. CLASS "B" LICENSES which shall authorize the retail sale on premises specified of alcoholic liquor for consumption on the premises as well as retail sale of such liquor, which licenses shall be issued only to clubs as defined in Illinois Revised Statutes, Chapter 43, Section 95.24; and provided, further, that such clubs have been chartered and continuously in active operation for a period of at least Ten (10) Years prior to the date of application for such license. The annual fee for such license shall be One Thousand Two Hundred Dollars (\$1,200), which license fee the Village Clerk shall transmit to the Village Treasurer. The Class "B" (Clubs) licenses shall be limited to Two (2) in number.

C. CLASS "C" LICENSES which shall authorize the retail sale on the premises specified, or beer and wine, for consumption on the premises as well as other retail sale of such beer and wine, which shall include sales by original package. The Liquor Commissioner may restrict a Class "C" license to provide for carry-out sales only or to provide for retail sale, giving away or furnishing beer and wine for consumption on the premises only. The Class "C" licenses shall be limited to Seven (7). The annual fee for such license shall be Four Hundred Dollars (\$400), which license fee the Village Clerk shall transmit to the Village Treasurer.

D. CLASS "D" LICENSES which shall authorize the retail sale of alcoholic liquors in the original and unbroken packages on the premises specified in the license, not for medicinal purposes, and not for consumption on the premises so licensed. The Class "D" licenses shall be limited to Six (6) in number. The annual fee for such license shall be One Thousand Two Hundred Dollars (\$1,200), which license fee the Village Clerk shall transmit to the Village Treasurer. A Class "D" License holder may allow for alcoholic liquor taste testing and consumption within the area of the licensed premises used for display of package alcoholic liquor. No display, taste testing or consumption related hereto

may occur outside the area within the licensed premises used for display of package alcoholic liquor.

E. CLASS "S" LICENSES which shall authorize the retail sale on the premises specified of alcoholic liquors on Sundays, during the hours specified in Section 11.114, as amended. The annual fee for such license shall be Two Hundred Fifty Dollars (\$250), which license fee the Village Clerk shall transmit to the Village Treasurer.

F. Additional bar licenses which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on such premises at each additional bar which may be maintained by a licensed premises as provided in Section 11.213. The annual fee for such license shall be One Hundred Dollars (\$100) for each additional bar, which license fee the Village Clerk shall transmit to the Village Treasurer.

G. Consents for the Class "A", "B", "C", or "D" licenses. All persons making application for Class "A", "B", "C", or "D" licenses to sell intoxicating liquor at retail on premises located in a zoning district, as authorized or committed by the terms and provisions of "The Zoning Ordinance of the Village of Caledonia", as amended, or any assignee or purchaser from such license, shall present to all the owner of real property located within Two Hundred (200) Feet of the property lines for which such license is sought a petition setting forth is intention to apply for a Class "A", "B", "C", or "D" license, which petition shall state that the Petitioner will not apply for a license of any different class than is specified in the petition. Such petition shall be accompanied by a chart drawn to scale showing the exact property located within Two Hundred (200) Feet in each direction from the property lines of the proposed place of business. Such petition and chart shall be filed with the Village Liquor Commissioner by the applicant before a Class "A", "B", "C", or "D" license shall be issued. No Class "A", "B", "C", or "D" license shall be issued by the Village Liquor Control Commissioner so as to permit the sale of alcoholic liquors at any place within the jurisdiction of the Village Board unless the owner or owners of at least Three-Fourths of the real property located within Two Hundred (200) Feet in all directions from the property license of the business for which such Class "A", "B", "C", or "D" license is sought shall file with the Village Liquor Commissioner written consent to the used of such premises for the retail sale of alcoholic liquor. Such written consent shall be notarized and filed with the Liquor Control Commissioner by the applicant or someone for him before a Class "A", "B", "C", or "D" license shall be issued to the applicant. The above provisions shall not apply to a renewal or transfer of any existing Class "A", "B", "C", or "D" license in the same location, but shall apply to any new renewal or transfer of any Class "A", "B", "C", or "D" license to a different or new location.

H. CLASS "R" LICENSES which shall authorize the retail sale of alcoholic liquor on the premises for consumption on the premises only. Class "R" licenses may be issued only to bona fide full service restaurants, which restaurants derive at least Fifty Percent (50%) of their sales from food served and eaten on the premises. The Liquor Control Commissioner may require proof of such percentages before issuance or renewal of a Class "R" license. The Class "R" licenses shall be limited to Four (4) in number. The annual fee for such Class "R" license shall be One Thousand Two Hundred Dollars (\$1,200), which license fee the Village Clerk shall transmit to the Village Treasurer.

I. CLASS "T" LICENSES which shall authorize the retail sale alcoholic liquors for consumption on the premises only. Class "T" licensed shall be issued only to bona fide clubs, organizations or banquet halls, which do not routinely operate a bar or food service. Such Class "T" licenses shall be issued for one day at a time and permit sales during specified hours only. The daily fee for such Class "T" license shall be One Hundred Dollars (\$100), which license fee the Village Clerk shall transmit to the Village Treasurer.

J. CLASS "G" LICENSES which shall authorize the retail sale of alcoholic liquors for consumption on the premises only. Class "G" licensed shall be issued for a patio or beer garden to holders of Class "A", Class "B", Class "C", and Class "R" licenses only, provided that Section 11.106. Of the Chapter is complied with. The annual fee for such Class "G" license shall be Two Hundred Fifty Dollars (\$250).

K. A CLASS TE (TEMPORARY EVENT) LICENSE shall constitute a special and limited license and shall be designated as a "temporary license". A Class TE (temporary license) shall authorize the retail sale of alcoholic liquor on the specified premises listed in the application at a different time than authorized by Section 11.114. herein up to the differentiation of Six Hours as to opening time on any given calendar day as shall be specified in writing in said temporary license which is to be issued by the Liquor Commissioner of the Village of Caledonia. The fee for a Class TE (temporary license) shall be (\$100), which shall be deposited with the application for said temporary license. In no event shall more than one Class TE (temporary license) be issued during any once calendar year to any one licensee. Said Class TE (temporary license) shall be a permissive license and shall entitle the holder to the privilege of selling alcoholic beverages as is allowed by the class liquor license he normally holds with the Village for only the extra hours shown on said temporary license for the day or days designated on said temporary license. A bona fide, not-for-profit organization may receive one TE License per year.

11.215. PAYMENT OF FEES. All license fees, except as otherwise provided in this chapter, shall be paid in full in advance and shall accompany the application for such license.

11.216. PRORATION OF FEES. Liquor License Fee for any new Liquor License issued for less than a full licensed year shall be prorated over the 365 days of the year. The new licensee will be required to pay a License Fee based upon the number of days remaining in the licensed year divided by 365 and multiplied by the License Fee. If a licensee surrenders their license during a licensed year, the licensee will be entitled to reimbursement of the License Fee based upon the number of days remaining in the licensed year divided by 365 and multiplied by the License Fee actually paid.

11.217. PRIVILEGE GRANTED BY LICENSE; NATURE AS PROPERTY; NOT SUBJECT TO ATTACHMENT, ETC TRANSFERABILITY REFUND OF FEES. A license shall be purely a personal privilege good for not to exceed one year after issuance unless sooner revoked as provided in this chapter, 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 shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, which such estate consists in part of alcoholic liquor, under order of the appropriate court may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendant or such insolvency or bankruptcy until the expiration of such license, but not longer than Six Months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section. Any licensee may renew his license at the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose; and provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village Liquor Control Commission from decreasing the number of licenses to be issued within its jurisdiction.

11.218. DISPLAY. It shall be the duty of any person conducting a licensed business under this chapter to keep his license posted at all times in a prominent and conspicuous place on the premises for such business.

11.219. CANCELLED LICENSES GENERALLY. Whenever any owner or members of an original firm or partnership, which is a licensee under this chapter, ceases to carry on business, the license issued under this chapter shall be returned, handed over and surrendered to the Village Liquor Control Commission for

revocation and cancellation. The Village Liquor Control Commission shall have the right to assign and issue such revoked and cancelled liquor license.

11.220. OPERATION OF BUSINESS UNDER ASSUMED NAME; CHANGE IN OWNERSHIP. Every licensee under this chapter who does, conducts or transacts business under an assumed name shall be required to comply with the terms and provisions of "An Act in relation to the use of an assumed name in the conduct or transaction of business in the State". In the event one or more members of a firm or partnership withdraw from such business, the business may be continued by the remaining person or persons, partner or partners under the same liquor license for the remainder of the period for which the license was issued to the licensee or licensees. The change in ownership, however, shall be reported immediately to the Village Liquor Control Commission and the change shall be shown immediately on the original license application then in effect filed in the office of the village Clerk. The failure by any licensee hereunder to copy with the provisions of any part of this section shall be considered and deemed cause for the revocation and cancellation of the liquor license issued under this chapter by the Village Liquor Control Commission. In the event the total of Fifty Percent (50%) or more of the stock of any corporation is transferred or sold to any other person, corporation, partnership or other entity, such transfer or sale shall require a new license be obtained from the Liquor Control Commissioner and a new license fee be paid as provided in this chapter.

11.221. SALES IN PLACES OTHER THAN SHOWN IN APPLICATION FOR LICENSE; CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon authority granted by the Village Liquor Control Commission; provided, that written application for such change is made by the licensee. No change of location shall be permitted unless the proposed new location in the written application is a proper one for the retail sale of alcoholic liquor under the laws of the state and this chapter.

11.222. SUSPENSION, REVOCATION, FINES, AND COSTS. If any licensee shall violate any of the provisions of this chapter or any provisions of the state law, relating to liquor control, or shall make any false statement in obtaining a license, such license shall be revoked by the Village Liquor Control Commission and all fees paid thereon shall be forfeited.

The Village Liquor Control Commission is further empowered to suspend the local liquor license of any license for a period of not to exceed Thirty days in any instance when the members of the commission find that any licensee or his agents or employees have violated any of the provisions of this chapter or state law relating to liquor control.

In lieu of suspension or revocation the Liquor Commission may instead levy a fine on the licensee for violations of any of the provisions in the statutes of the State of Illinois, any valid ordinance or resolution of the Village, or any applicable rule or regulation established by the Liquor Control Commissioner or State Commission which is not inconsistent with law. The fine imposed shall not exceed One Thousand Dollars (\$1,000) for each violation; each day on which a violation continues shall constitute a separate violation. Not more than Ten Thousand Dollars (\$10,000) in fines under this period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury.

Any licensee who violates any of said provisions shall also be liable for the costs of the Liquor Commission hearing, including but not limited to the costs of the court reporter, the costs of having subpoenas served, the costs of any newspaper publication notices, and the costs of U.S. mail incurred.

No such license shall be revoked or suspended and not licensee shall be fined except after a public hearing by the Liquor Control Commission with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend, except that if the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises would 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 licenses 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.

The Liquor Control Commissioner shall within Five (5) Days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination and written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the Five (5) Days upon the licensee.

11.223. APPEALS. All appeals to the State Liquor Control Commission of any decision, order or action by the Local Liquor Control commissioner, or designee, having the effect of 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 30 days to grant a hearing upon a complaint to revoke or suspend a license, shall be limited to review of the official record of the formal proceedings before the commissioner, or designee.

ARTICLE III. PUBLIC INTOXICATION/DRINKING.

11.301. PROHIBITED. It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley, or other public place in the Village.

11.302. EXCEPTION. No person shall without the written permission of the Liquor Commissioner and/or the Village Board of Caledonia, consume or possess any alcoholic liquor on any street, alley, city parking lot, privately owned parking lot open to the public in a commercial area, or a park or a recreational area, within the Village, except that alcoholic liquor may be possess in said area in the original container with the seal unbroken.

11.303. PENALTIES. Any person, firm, or corporation violating the provisions of this Ordinance shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) plus costs of court for each offense.

ARTICLE IV. NUDITY AND SEMI-NUDITY PROHIBITED.

11.401. PROHIBITED.

A. No person or entity licensed under the provisions of this chapter, or any agent, officer or employee of any such person or entity, shall knowingly allow or otherwise participate in any kind of agreement or arrangement which allows or required any person to appear before or amidst the public, in attendance at an establishment to which said license has been issued, in the nude or in any kind of apparel which as worn or by virtue of its design, fit or material makes visible or tends to make visible all or any portion of such person's:

1. Genitalia;
2. Pubic hair or pubic hair region;
3. Anus and/or anal crevice; and
4. If such person is a female, her breast at, below and including the areola.

B. No person shall appear or enter into any kind or agreement or arrangement which allows or required such person to appear before or amidst the public, in attendance at an establishment licensed under the provisions of this chapter, in the nude or in apparel such as that described in subsection A. hereof.

C. The following activities are prohibited by licensees:

1. The performance or simulation of sexual intercourse, masturbation, sodomy, bestiality, or copulation, flagellation or any sexual acts which are prohibited by law;
2. The actual or simulated touching, caressing or fondling

of the breasts, buttocks, anus or genitals;

3. The displaying of films or pictures depicting acts, a live performance of which was prohibited by the regulations quoted above.

4. The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the license-holding establishment are encouraged or allowed to engage in any of the conduct, or to be attired as described in the preceding sub-paragraph of this subsection.

D. Licensees shall insure that a minimum distance of 10 Feet is maintained between entertainers and patrons.

E. Any person or entity licensed under the provisions of this chapter, or any agent, officer or employee of any such person or entity, who violates any portion of this section may have his license revoked or suspended pursuant to the provisions of this chapter.

11.402. PENALTIES.

A. Any licensee who violates any provisions of this Article may be immediately closed for a maximum of 12 Hours by the Law Enforcement Agency of the Village.

B. Any person, firm or corporation violating the provisions of Section 11.501. Shall be fined, upon conviction not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus court costs for each offense.

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CHAPTER XII

AMUSEMENTS

ARTICLE I. IN GENERAL.

12.101. DEFINITIONS. (As used in this article the following words and phrases shall have the meaning ascribed thereto:)

Amusement or skill machine shall mean any machine, device or contrivance which is permitted to function by the insertion of a coin, slug, token, plate or disc and is operated for amusement only and does not dispense any form of payoff, prize or reward. This definition shall not include jukebox, telephone devices, or machines that sell merchandise.

Arcade shall mean any place of business or establishment containing Five (5) or more amusement machines. Also referred to as pinball arcades, penny arcades, game rooms or amusement arcades.

Coin-operated machines consist of amusement machines, including, but not limited to, video, foosball, bowling, shuffleboard, pool tables, dart machines, pinball, etc.

Machine means any amusement, vending or musical machine as defined herein.

Operator means any person who sets up for operation by another any machine or device as herein provided, whether such setting up for operation, leasing, renting or distributing be for a fixed charge or rental or on the basis of a division of the income derived from such machine or device or otherwise.

Premises shall mean a building or a part of a building where coin-operated machines are located, under the ownership or control of the operator.

Vending machine shall consist of any machine which upon the insertion of a coin, slug, token, plat or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the sale of any type of merchandise, goods or items of whatever kind of nature.

12.102. LICENSE REQUIRED. A license shall be obtained from the Village Clerk by any person, firm or corporation which displays any coin-in-slot operated amusement device which returns to the player thereof no money or property or right to receive money or property, which amusement device is to be played or operated by the public at any place owned, occupied or leased by any such person, firm or corporation. It shall be a violation of this article for any person to allow any coin-in-slot amusement device to be operated or to remain on the premises unless such amusement device shall be licensed under this article.

12.103. APPLICATION. Application for an operator's license shall be made, on a form prescribed by the Village Clerk, by the owner of the machine, if an individual; by a partner in the case of a partnership; or by an officer in the case of a corporation, verified by oath or affidavit and shall contain the following information:

1. The name and address of the applicant;
2. Prior convictions of the applicant for any violations of the gaming laws of the State of Illinois or any other state, if any;
3. Place where machine or device is to be displayed or operated and the business conducted at that place;
4. The local business address and telephone number of the applicant;
5. The full name of a local and responsible agent for the amusement machine owner if a business firm or corporation;
6. Such additional information as may be required by the Village Clerk or Village Trustees including such evidence that the applicant, if an individual, or the person in charge of the business if a firm or corporation, is or are responsible persons of good character and reputations and any information required under Chapter 12.

12.104. OPERATORS LICENSE REQUIRED. The fee for the license required by this article shall be (\$200) and will be payable in advance as of May 1 or each year, and shall expire on April 30, of the following year. Such license shall be issued by the Village Clerk and will be paid by the owner of the machines.

12.105. ARCADE LICENSE REQUIRED. No arcade shall be established, maintained or conducted in the Village of Caledonia by any person, firm or corporation without the owner of the business establishment first obtaining a license to operate such place from the Village Clerk and no operator, as defined herein, shall allow or permit the use of Five (5) or more amusement machines unless the amusement arcade license for such use shall have been obtained from the Village Clerk. The fee for an Arcade License will be One Hundred Dollars (\$100) or Five (5) or more machines.

12.106. LICENSE APPLICATION FOR ARCADE. Every person, firm or corporation desiring to obtain a license for an amusement machine arcade as required by this article shall file a written application to the Village Clerk on forms approved by the Village Clerk. The application shall include the following information verified by oath or affidavit:

1. The applicant's age, correct name, post office address, residence and telephone number; and if a corporation, the names and addresses of all officers.
2. Such additional information as may be required by the Village Clerk or Trustees's, including such evidence that the applicant, if an individual, or the person in charge of the business, if a firm or corporation, is or are responsible persons of good character and reputation and any information required.

Such license to a corporation shall be revocable upon the occurrence of a change in the agent so managing such premises, and a new license may be required by the Village before any new agent shall take charge of such premises and such agent shall furnish all of the information and recommendations required of the original applicant.

Every such application shall be accompanied by the fee as herein specified, payable to the Village of Caledonia.

12.107. ARCADES. Examination of the applicant shall be made

by and under the direction of the Boone County Sheriff's Police to determine whether or not the applicant is of good moral character and the premises in which it is proposed that such machine, game or device is to be operated is one of public resort and not habituated by criminals, felons, vagrants or persons have police records of crime or offenses involving moral turpitude.

12.108. ARCADE REGULATIONS.

1. Each operator or license shall, at all times, open each and every portion of the licensed premises for inspection by the Boone County Sheriff's Police and other Village departments for the purpose of enforcing any provisions of the article.

2. Each operator or licensee shall, at all times, display the license granted hereunder in a conspicuous place near the entrance to the licensed establishment, or the arcade area.

3. Except in taverns, each operator or licensee shall have present on the premises, or on such portion of the premises where the arcade is located, as the case may be, at least One (1) adult operator, at all times that the premises are open to the public, who has not been convicted of a crime involving moral turpitude and who has been so certified by the Boone County Sheriff's Police.

4. The operator or licensee shall not open the licensed premises for business between the hours of 1 A.M. and 7:30 A.M. (Local time).

5. Arcades in establishments licensed by the Village to sell alcoholic beverages may be open during the hours in which alcoholic beverages may be served.

12.109. MACHINE LICENSES/APPLICATIONS. Any licensed machine owner desiring to operate a coin operated machine in the Village shall make an application for a machine license before May 1st of each year on a form prescribed by the Village Clerk which shall contain the following information:

1. Name of the applicant (owner), if an individual; and the full name of a local and responsible agent, if a business firm or corporation;

2. The address of the premises where the machine will be located and the name of the business;

3. Type of machine;
4. Number of machines for which a license is desired;
5. A diagram of the location of the machine(s) on the premises, which for amusement machines will show exact locations relative to exits form the premises;
6. Evidence that the owners are responsible persons of good character and reputation; and
7. If amusement machines;
 - (A.) The name and address of owners of the business in which the machine(s) will be located. In the case where the owner is a corporation or club, the application shall provided the name and address of the agent who will have principal charge of the premises established.
 - (B.) Distance from area designated for amusement machine use to the nearest school building.

Every such application shall be accompanied by the fee as herein specified, payable to the Village of Caledonia.

12.110. POLICE TO MAKE INVESTIGATION OF AMUSEMENT MACHINE PREMISES AND LICENSE APPLICANT.

Examination of the owner of the business in which the amusement machine will be located shall be made by and under the direction of the Supervisor in charge of the Boone County Sheriff's Police to determine whether or not the applicant is of good moral character and the premises in which it is proposed that such machine, game or device is to be operated is one of public resort and not habituated by criminals, felons, vagrants or persons having police records of crime or offenses involving moral turpitude.

12.111. INSPECTION OF PREMISES.

Inspection of premises before any amusement machine license is issued shall be made by the Enforcement Officer who shall determine whether the premises conform to building, zoning and other applicable Village codes. Before any amusement machine license shall be issued, the Village shall determine whether the applicant is placing the amusement machine(s) in such a location so as to not constitute a nuisance or danger and so as to permit safe ingress to and egress from said premises. Improper location can be the basis for denial of license application.

12.112. APPROVAL OF MACHINE LICENSE APPLICATION.

The Village Clerk shall approve complete machine license applications subsequent to their examination by Planning, Zoning and Building Chairman, and Boone County Sheriff's Police personnel.

12.113. AMOUNT OF FEES.

The license fee for any person, firm or corporation which is the operator of the premises where such amusement device or devices referred to in this article is located, whether such operator be the owner of tenant of said premises, and whether the operator be the owner of the machines or leasing it, shall be Ten Dollars (\$10) for each amusement device per year, and such fee shall accompany the application of license.

Identification stickers will be issued for each machine licensed and must be prominently displayed on that machine only.

12.114. ENFORCEMENT.

The enforcing officer for this article shall be the Boone County Sheriff's Police or such agency as the Village may contract with to perform police services.

12.114. PENALTY.

Any person, firm or corporation who violates, disobeys omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this article, shall be fined not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) for each offense, and each day upon which such violation continues shall constitute a separate offense.

CHAPTER XIII

ANIMALS AND FOWL

ARTICLE I. ANIMAL CONTROL.

The Village of Caledonia, Illinois, and the County of Boone, Illinois, for the consideration hereinafter set forth hereby agree as follows:

13.101. DEFINITIONS. For the purpose of this Agreement, the words and phrases listed hereunder have the meanings designated herein, except when a particular context clearly required a different meaning:

A. "Animal" means any animal, other than man, which may be affected by rabies.

B. "Village" means Village of Caledonia, Illinois.

C. "County" means the County Board of the County of Boone, Illinois.

D. "Dog" means all members of the canine family.

E. "Ordinance" means **(ARTICLE II) "Kennel License"** (maximum of 4 dogs per household), **(ARTICLE III) "Dogs Prohibited From Running At Large"** (dogs running at large), **(CHAPTER 14 ARTICLE III) "Noise/Public Nuisance"** (barking dogs) of Ordinances of the Village of Caledonia, Illinois, in effect on a given date relating to the ownership, possession, and control of dogs.

F. "Owner" means any person having any right of property in an animal or who keeps or harbors an animal or who has it in his care or acts as its custodian or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.

G. "Person" means any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, Municipal Corporation or political subdivision of the State, or any other business unit.

BARKING DOGS.

Barking dog ordinances exist in Boone County. We have authority to investigate and issue a warning or citation.

DOG CONTROL REGULATIONS GENERALLY. All dogs must be confined to owners property by chain or fence. All dogs must be vaccinated and registered. Any dog not on owner's property can be picked up and impounded. A citation or warning can be issued by the Enforcement Officer of the Village. Barking Dog Ordinances exist in Boone County, and our authority is to issue a warning or citation.

13.102. NUMBER OF DOGS ALLOWED. No person or persons shall be allowed to keep more than **Four Dogs** on any premise within the Village.

13.103. PENALTY. Any violation of this Ordinance by any person, corporation, partnership or other entity shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). Each day any violation of this Ordinance shall continue shall constitute a separate offense.

ARTICLE II. (RESERVED) KENNEL LICENSE.

ARTICLE III. DOGS PROHIBITED FROM RUNNING AT LARGE.

13.301. DEFINITIONS. For the purpose of this Ordinance, the words and phrases listed hereunder shall have the meanings designated herein, except when a particular context clearly require a different meaning:

A. ANIMAL: Any animal, other than man, which may be affected by rabies.

B. VILLAGE: The village of Caledonia, Illinois.

C. COUNTY: The County of Boone, Illinois.

D. DOG: All members of the canine family.

E. OWNER: Any person having any right of property in an animal or who keeps or harbors an animal or has it in his care or acts as its custodian or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him.

F. PERSON: Any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, Municipal Corporation or political subdivision of the state, or any other business unit.

13.302. REGULATIONS. No person who is the owner or keeper of a dog shall cause or permit his dog to run at large within the Village. All dogs shall be deemed to be running at large if they are not adequately secured either in a fenced area of the owner or keeper of a premises, or by means of a leash.

13.303. NOTIFICATION. The Enforcement Officer, shall notify the owner of the dog of animal at his last known address by certified mail. If an owner of a dog or animal has been lost and gives a description of the animal, the Enforcement Officer shall be required to notify the owner.

13.304. CONDITIONS/REDEEMING. The owner of any dog may redeem such dog on the following conditions:

A. Presentation of proof of current rabies inoculation and registration, if applicable; or

B. Payment for rabies inoculation and registration, if applicable, and

C. Payment of the cost of boarding; and

D. Payment of \$3.00 as a penalty, which penalty shall be paid to the Animal Control Fund and shall be in addition to any other penalties which may be invoked.

13.305. DISPOSITION. When not redeemed by its owner, an animal shall be offered for adoption, or transferred to an institution. Persons adopting an unredeemed dog must pay for the rabies inoculation and registration of such dog, if applicable. No licensed dog wearing an inoculation tag may be disposed of.

13.306. PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a petty offense, punishable by a fine of not more than Fifty Dollars (\$50) for any one offense; and, each such person shall be deemed guilty of a separate offense for each and every day during which any violation is committed, continued, or permitted.

ARTICLE IV. SLAUGHTER/LIVESTOCK.

13.401. PROHIBITED. It shall be unlawful for any person to kill any cattle, horse, swine, sheep, goat or other livestock within the Village limits, however rabbits and poultry may be killed or slaughtered in a humane fashion if said killing or slaughtering is done within the confines of a building so that said killing or slaughtering is hidden from public view. Any violation of this Article shall be deemed a public nuisance.

13.402. PENALTIES. Any person, persons, corporation, firm or organization which shall violate any provisions of this Article shall be fined not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) plus costs of court.

ARTICLE V. ANIMAL DEFECATION PROHIBITED.

13.501. PROHIBITED. It shall be unlawful for any person, being the owner of or having charge of any animal, to permit it to defecate, scratch or dig upon any public property, or upon any private property without permission of the property owner.

13.502. Any person, being the owner of or having charge of any animal not confined to that person's property, shall immediately remove any animal feces deposited on public or private property in violation of Paragraph 13.501. Above.

13.503. PENALTY. Any person or persons who shall violate any provision of this article shall be fined not less than (\$50) nor more than \$500 for each offense, plus court costs.

ARTICLE VI. (RESERVED) REGISTRATION AND INOCULATION OF CATS.

CHAPTER XIV

MOTOR VEHICLES

14.101. DEFINITIONS. The term "inoperable motor vehicle" as used in this Article shall mean any motor vehicle from which, for a period of at least Seven (7) Days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. The term "inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily, for a period not exceeding Seven (7) Days, incapable of being driven under its own power in order to perform ordinary service or repair operations.

14.102. PUBLIC NUISANCE DECLARED. It is hereby declared that all inoperable motor vehicles, whether owned, leased or controlled by any person that does not display a current automobile license plate or sticker issued by any state of the United States to the particular motor vehicle on which it is displayed, whether on public or private property and in view of the general public, are a public nuisance. Any motor vehicle or part thereof which is inoperable or deteriorated or in need of repair which is located for Seven (7) Days or more upon public or private property within the Village of Caledonia, Illinois, outside any enclosure which encloses the vehicle completely from lateral view on all sides, is hereby declared to be a public nuisance.

14.103. REPAIRS/TIME LIMIT. Any inoperable motor vehicle which has been rendered temporarily, for a period of Seven (7) Days or more, incapable of being driven under its own power in order to perform ordinary service or repair operations is hereby declared to be a public nuisance. Said inoperative motor vehicle which has been rendered temporarily, for a period of Seven (7) days or more, incapable of being driven under its own power in order to perform ordinary service or repair operations shall be placed in an enclosure or building which encloses the vehicle completely from lateral view on all sides so that it is not in view of the general public.

14.104. EXCEPTIONS. Nothing in the Article shall apply to any motor vehicle that is kept within a building or enclosed structure which encloses the vehicle completely from view on all sides, so as not to be in view of the general public, or to a motor vehicle on the lawfully zoned premises of a place of business engaged in the repair, wrecking or junking of motor vehicles, provided they are kept within an enclosure on all sides so as not to be in view of the general public.

14.105. PENALTY. Any owner of lessee or any other person in control of the premises and the owner or lessee or any other person in control of a motor vehicle who permits a public nuisance as declared in the Article, to exist or who maintains such public nuisance shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200), and upon second conviction within One Year shall be punished by a fine of not less than Two hundred Fifty Dollars (\$250), nor more than Five Hundred Dollars (\$500) and each day's failure to comply with the provisions of this Article shall constitute a separate offense. Each motor vehicle which is permitted to exist as a public nuisance shall constitute the subject of a separate offense.

14.106. ENFORCEMENT. This Article shall be enforced by the Boone County Sheriff's Police, as may from time to time be designated to enforce this Article by the Village of Caledonia.

14.107. REMOVAL AFTER NOTICE.

A. Boone County Sheriff's Police representing the Village of Caledonia under terms of an intergovernmental agreement between Boone County and the Village are hereby authorized to remove, after Seven (7) Days from the issuance of the Municipal notice, any inoperable motor vehicle or parts thereof.

B. Prior to removing any inoperable motor vehicle or parts thereof, said law enforcement agency shall send a Municipal notice to the owner or occupier of the public or private property involved where said offending inoperable motor vehicle or parts thereof are located, stating in substance, that said inoperable motor vehicle, or parts thereof, after reasonable describing the same in said notice, are to be removed by said owner or occupier of the public or private property involved within Seven (7) Days after the date of service of said notice. Said Municipal notice may be served by deposit in the U.S. Mail with sufficient postage for delivery of same, or by personal service of said notice by Boone County Sheriff's Police, or by deposit in the U.S. Mail by certified mail, return receipt requested, or registered mail with the proper postage prepaid addressed to said owner or occupier of the premises involved.

C. After Seven (7) Days from the issuance of said Municipal notice, said inoperable motor vehicle or parts thereof which have not been removed shall be removed by Boone County Sheriff's Police to a suitable storage area. The owner or occupier of the land involved or the owner of said inoperable motor vehicle or the parts thereof, shall be liable for the payment of reasonable charges for towing and storage of such inoperable motor vehicle or parts thereof as a condition to regaining possession.

14.108. PENALTY. Any owner of lessee or any other person in control of the premises or the owner or lessee or any other person in control of a motor vehicle who permits a public nuisance as declared in Section 14.102. To exist or who maintains such public nuisance shall, upon conviction, be punished by a fine of not less than (\$50) nor more than (\$200), upon first conviction be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200) and upon second conviction within One Year shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250) nor more than Five Hundred Dollars (\$500), and each day's failure to comply with the provisions of this Article shall constitute a separate offense. Each motor vehicle which is permitted to exist as a public nuisance as defined in Section 14.102 shall constitute the subject of a separate offense.

ARTICLE II. REGULATIONS/MOTOR VEHICLES AND TRAFFIC

14.201. LICENSE OR PERMIT REQUIRED.

A. No person shall drive any motor vehicle upon the streets in the Village unless such person has a valid license or permit, or a restricted driving permit, issued by the Secretary of State of the State of Illinois.

B. No person shall drive a motor vehicle unless he holds a valid license or permit, or a restricted driving permit issued by the Secretary of State of the State of Illinois.

14.202. UNLAWFUL USE OF LICENSE OR PERMIT.

A. No person shall display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered license or permit to drive a motor vehicle.

B. No person shall lend his license or permit to any other person or knowingly allow the use thereof by another.

C. No person shall display or represent as his own any license or permit not issued to him.

D. No person shall permit any unlawful use of a license or permit to drive a motor vehicle issued to him.

E. No person shall display, or cause or permit to be displayed or represent or cause to represent any document which purports to be an official drivers license or permit which is not issued by the Secretary of State of the State of Illinois.

F. No person shall duplicate, manufacture or sell any document which purports to be an official drivers license or permit which is not issued by the Secretary of State of the State of Illinois.

G. No person shall cause, authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street in the Village by any person who is not authorized to drive said motor vehicle by the Secretary of State of the State of Illinois or in violation of any of the provisions of the Illinois Vehicle Code.

H. No person shall rent a motor vehicle to any other person unless the later person is then duly licensed pursuant to the Illinois Vehicle Code or in the case of a non-resident, then duly licensed under the laws of the state or country of his residence.

14.203. OBEYING OF TRAFFIC CONTROL DEVICES.

A. Every person operation a motor vehicle in the Village shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this Ordinance unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle defined in the Village Vehicle Code.

B. It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic control device.

C. No provision of this Ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

D. A driver of a vehicle approaching a traffic control signal on which no signal light facing such vehicle is illuminated shall stop before entering the intersection in accordance with the rules applicable in making a stop at a stop sign.

14.204. AUTHORITY FOR TRAFFIC SIGNALS. The Village of Caledonia through its designated officers with reference to the streets and highways within the Village may designate through streets and highways, and place and maintain traffic control devices upon streets and highways within the Village including but not limited to the erection of stop signs or yield signs for the designation of any intersection as a stop intersection or as a yield intersection. All traffic signage in the Village shall conform to the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as published by the U.S.

Department of Transportation, Federal Highway Administration as adopted by the State of Illinois.

14.205. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, or any part thereof.

14.206. UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES AND STRUCTURES.

It shall be unlawful for any person to willfully injure or damage any public street or highway or any bridge, culvert, sign, sign post, or structure upon or used or constructed in connection with any public street or highway within the Village for the protection thereof or for protection or regulation of traffic thereon by any willfully unusual, improper or unreasonable use thereof, or by willful and careless driving or use of any vehicle thereon, or by willful mutilation, defacing or destruction thereof.

14.207. UNLAWFUL POSSESSION OF HIGHWAY SIGN OR MARKER.

The Village of Caledonia, with reference to traffic control signs, signals, or markers owned by the Village, is authorized to indicate the ownership of the signs, signals or markers on the back of such devices and, except for employees of the Village, police officers, contractors and their employees engaged in street or highway construction work approved by the Village, it is unlawful for any person to possess such sign, signal, traffic control device or marker so identified.

14.208. DUTY UPON DAMAGING UNATTENDED VEHICLES OR OTHER PROPERTY.

The driver of any vehicle which collides with or is involved in an accident with any vehicle which is unattended, or other property, resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place on or in the vehicle or other property struck a written notice giving his name, address and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority and shall make a report of such accident when and as required of the Illinois Vehicle Code. Every such stop shall be made without obstructing traffic more than is necessary.

14.209. ACCIDENT INVOLVING DAMAGE TO VEHICLE.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to an in every event shall remain at the scene of such accident until he has fulfilled the requirements of the Illinois Vehicle Code.

Every such stop shall be made without obstruction traffic more than is necessary.

14.210. DUTY TO GIVE INFORMATION AND RENDER AID. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by an person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available, exhibit his drivers license to the person struck or the driver or occupant of or a person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or making or arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. If none of the persons entitled to information pursuant to this Section is in condition to receive and understand such information and no police officer is present, such driver after rendering reasonable assistance shall forthwith report such accident at the nearest office of a duly authorized police authority, disclosing the information required by this Section.

14.211. OBSTRUCTING TRAFFIC. No person shall park or place any vehicle or other property of any kind within the streets or highways of the Village of Caledonia so as to obstruct or interfere with traffic or travel of other vehicles or pedestrians or endanger the public safety.

14.212. USE OF BIKE PATHS.

A. The use of bike paths situated within the corporate limits of the Village of Caledonia is limited to pedestrians and operators of non-motorized cycles.

B. The use of bike paths is strictly prohibited to those persons using any type of motorized vehicle whether or not the motor is in operation. This restriction shall not pertain to law enforcement, fire department, and EMS personnel acting within the scope of their duties.

C. Neither pedestrians nor those persons operating a cycle on a bike path shall engage in such conduct or act in such a manner as to endanger or be likely to endanger the safety of any persons or property.

A person found in violation of any of the provisions of this section shall be fined an amount no less than Fifty Dollars (\$50) and no more than Five Hundred Dollars (\$500).

14.213. TRANSPORTATION OF ALCOHOLIC LIQUOR.

A. Except as provided in paragraph (B) of this Section, no person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original container and with the seal unbroken.

B. This Section shall not apply to the passengers of a chartered bus designated for carrying more than Ten persons when it is being used for the transportation of said persons. However, this provision of paragraph (B) shall not extend to buses chartered for school purposes. The driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driving area of any such vehicle.

C. Evidence of alcoholic consumption alone shall be prima facie evidence of the driver's failure to obey paragraph (B) of this Section.

14.214. RECKLESS DRIVING. Any person who drives any vehicle with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

14.215. SPEED RESTRICTIONS.

A. No vehicle may be driven upon any street or roadway of this Village at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endanger the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians 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.

B. No person may drive a vehicle upon any street or highway within the Village at a speed which is greater than **30 m.p.h.**, unless otherwise posted.

C. No person may drive a vehicle upon any alley within the Village at a speed which is greater than **15 m.p.h.**

D. No person shall drive a motor vehicle within the Village at a speed in excess of **20 m.p.h.** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass along to and from school during school days when

school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic. This Section shall not be applicable unless appropriate signs are posted upon streets and highways wherein the school zone is located.

E. No person shall drive a motor vehicle at such a slow speed upon any street or highway within the Village, as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation of his vehicle in compliance with law.

14.216. DRAG RACING. No person as an operator of a motor vehicle shall be a participant in drag racing upon any street or highway within the Village. "Drag racing" means the act of Two or more individuals competing or racing on any street or highway in this Village in a situation in which One of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the One driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway within this Village.

14.217. DRIVE ON RIGHT SIDE OF ROADWAY.

A. Upon all streets or roadways within the Village a vehicle shall be driven upon the right half of the roadway, except as follows: (1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements; (2) when an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in a proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard; (3) upon a roadway or street divided into Three marked lanes for traffic under the rules applicable thereon; (4) upon a roadway restricted to One-Way traffic; (5) whenever there is a single tract paved road on one side of the public highway and Two vehicles meet thereon, the driver on whose side is the wider shoulder shall give the right-of-way on such payment to the other vehicle.

B. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having Four or more lanes for moving traffic and providing for Two-Way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Section (A) (2) herein. However, this sub-section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

14.218. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than One line of traffic in each direction each driver shall give to the other at least One-Half of the main-traveled portion of the roadway as nearly as possible.

14.219. OVERTAKING A VEHICLE ON THE LEFT. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, excepting and special rules otherwise stated in the Illinois Vehicle Code:

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway unless safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the payment or the main-traveled portion of the roadway.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

C. The driver of a Two-Wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.

14.220. LIMITATIONS ON OVERTAKING ON THE LEFT. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of the Illinois Vehicle Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of

travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within Two Hundred (200) Feet of any vehicle approaching from the opposite direction.

14.221. FOLLOWING TOO CLOSELY.

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and traffic upon and the conditions of the highway.

B. The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

C. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

14.222. REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

A. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

B. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction or travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. The Village of Caledonia may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that different course from that specified in the Section be traveled by vehicles turning at an intersection, and where such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such device.

D. When a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices, allowing for exceptions which are normal traffic engineering standards: (1) a left turn shall not be made from any other lane; (2) a vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

14.223. LIMITATIONS ON U-TURNS.

A. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic on streets within the Village where there is not traffic control devices limiting U turns.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within Five Hundred (500) Feet.

C. No driver of any motor vehicle upon the streets or highways within the Village of Caledonia shall make a U turn where "No U Turns" or similar traffic control devices are placed prohibiting the same.

14.224. STARTING PARKED VEHICLE. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

14.225. WHEN SIGNAL REQUIRED.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this Ordinance or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left when required must be given continuously during not less than the last 100 Feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last 200 Feet traveled by the vehicle before turning outside a business or residence district.

C. No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in the Illinois Vehicle Code to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

D. The electric turn signal device required in Section 12-108 of the Illinois Vehicle Code must be used to indicate an intention to turn, change lanes or start from a parallel park position but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do not pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing.

14.226. SIGNAL BY HAND OR ARM OR SIGNAL DEVICE. Any stop or turn when required herein shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements of Section 12-208 of the Illinois Vehicle Code.

14.227. METHOD OF GIVING HAND AND ARM SIGNALS. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1). Left turn-hand and arm extended horizontally;
- (2). Right turn-hand and arm extended upward;
- (3). Stop or decrease of speed-hand and arm extended downward.

14.228. RIGHT-OF-WAY RULES. The following right-of-way rules shall apply to any person driving a vehicle within the Village of Caledonia:

A. When Two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

B. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed

at such time as a safe interval occurs.

C. Except when directed to proceed by a police officer or traffic control signal every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if not 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 before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersections, but said driver having so yielded may proceed at such time as a safe interval occurs.

D. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down in a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop sign, 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.

E. If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the drivers failure to yield right-of-way.

14.229. VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY. The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

14.230. ENTERING FROM ALLEY, BUILDING, PRIVATE ROAD OR DRIVEWAY. The driver of a vehicle emerging from an alley, building, private road or driveway, within an urban area shall stop such vehicle immediately prior to driving into the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-

of-way to all vehicles approaching on such roadway.

14.231. WHEN LIGHTED LAMPS ARE REQUIRED.

A. When upon any street or highway within the Village of Caledonia, during the period from sunrise to sunset, every motorcycle shall at all times exhibit at least one lighted lamp, showing a white light visible for at least Five Hundred (500) Feet in the direction the motorcycle is proceeding.

B. All motor vehicles shall, during the period from sunset to sunrise, or at any other time when visibility is so limited as to require the use of lights for safety, exhibit Two lighted driving lamps, except that a motorcycle need exhibit only One such driving lamp, showing white lights, or lights of a yellow or amber tint visible for at least Five Hundred (500) Feet in the direction the motor vehicle is proceeding. Parking lamps may be used in addition to but not in lieu of any such driving lamps. Every motor vehicle, trailer, or semi-trailer shall also exhibit at least Two lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least Five Hundred (500) Feet in the reverse direction, except that a motorcycle or a truck tractor or road tractor manufactured before January 1, 1968, need be equipped with only One such lamp.

C. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of Fifty (50) Feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the driving lamps or auxiliary driving lamps are lighted.

14.232. MUFFLERS, PREVENTION OF NOISE. Every motor vehicle driven or operated upon the streets or highways of the Village of Caledonia shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cut out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section.

14.233. DRIVING UPON SIDEWALKS. No person shall drive any motor vehicles within the Village of Caledonia upon a sidewalk or sidewalk area except upon permanent or duly authorized temporary driveway or except for special delivery or pickup involving goods or customer services.

14.234. USE OF HEAD LAMPS AND AUXILIARY DRIVING LAMPS. Use of head lamps and auxiliary driving lamps shall be as follows:

A. Whenever the driver of any vehicle equipped with an electric driving head lamp, driving head lamps, auxiliary driving lamp or auxiliary driving lamps, is within Five Hundred (500) Feet of another vehicle approaching from the opposite direction, the driver shall dim or drop such head lamp or head lamps and shall extinguish all auxiliary driving lamps.

B. The driver of any vehicle equipped with an electric driving head lamp, driving head lamps, auxiliary driving lamp or auxiliary driving lamps shall dim or drop such head lamp or head lamps and shall extinguish all auxiliary driving lamps when there is another vehicle traveling in the same direction less than Three Hundred (300) Feet to the front of him.

C. No vehicle shall have the lighting system modified to allow more than Two electric head lamps to be lighted while operating in the dim or drop position.

D. Nothing in the Section shall prohibit the use of auxiliary driving lamps, commonly referred to as "fog" lamps, when used in conjunction with head lamps, if such auxiliary driving lamps are adjusted and so aimed that the glaring rays are not projected into the eyes of drivers of oncoming vehicles.

EXCEPTIONS. This section does not apply to motor vehicles manufactured prior to January 1, 1982 and the First Three sentences of this Section shall not apply to any motor vehicle that is owned by a person afflicted with albinism or lupus. Persons afflicted with albinism or lupus shall have such medical condition certified by a physician licensed to practice in Illinois. The physician's certificate of that condition must be carried in the vehicle at all times. The physician's certificate shall be renewed annually. The First Three paragraphs of this Section shall not apply to motor vehicle stickers or other certificates issued by State or local authorities which are required to be displayed upon motor vehicles to evidence compliance with requirements concerning motor vehicles.

14.235. OPERATION OF VEHICLES WITHOUT EVIDENCE OF REGISTRATION PROHIBITED. No person shall operate, park, or leave standing any vehicle on a public highway, nor shall an owner knowingly permit to be operated, parked, or left standing any vehicle on a public highway, unless there shall be attached thereto and displayed thereon current valid vehicle registration plates, registration sticker, or applied-for permit.

14.236. TINTED WINDOWS PROHIBITED. No person shall drive a motor vehicle with any sign, poster, window application, reflective material, non-reflective material or tinted film upon

the front windshield, side wings, or side windows immediately adjacent to each side of the driver. A non-reflective tinted film may be used along the uppermost portion of the windshield if such material does not extend more than Six Inches down from the top of the windshield. Nothing in this Section shall create a cause of action on behalf of a buyer against a dealer or manufacturer who sells a motor vehicle with a window which is in violation of this Section. Nothing in this section shall prohibit the use of non-reflective, smoked or tinted glass, non-reflective film, perforated window screen or other decorative window application on windows to the rear of the driver's seat, except that any motor vehicle with a window to the rear of the driver's seat treated in this manner shall be equipped with a side mirror on each side of the motor vehicle which are in conformance with Illinois Revised Statutes Chapter 951/2, Section 12-502. This section does not apply to those vehicles registered in another state other than the State of Illinois.

14.237. PENALTIES. Any person violating or disobeying any laws or provision of any section of Article II of this Code shall be fined upon conviction no less than Fifty Dollars (\$50) and not more than Five Hundred Dollars (\$500) for each offense, with the fine to be recovered in manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which violation occurs or continues.

14.238. OPERATION OF UNINSURED MOTOR VEHICLE-PENALTY. No person shall operate a motor vehicle unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of the Illinois Vehicle Code. This provision applies to operators and motor vehicles regardless of the state or jurisdiction in which they respectively are licensed or registered.

Any person who fails to comply with a request by a law Enforcement Officer for display or evidence of insurance, as required under Section 7-602 of the Illinois Vehicle Code, shall be deemed to be operating an uninsured motor vehicle.

Any person convicted of violating this Section is guilty of a business offense and shall be required to pay a fine in excess of Five Hundred (\$500), but not more than One Thousand Dollar (\$1,000). However, no person charged with violating this Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of the Illinois Vehicle Code.

14.239. OPERATION OF MOTOR VEHICLE WHEN REGISTRATION SUSPENDED FOR NON INSURANCE. No person shall operate a vehicle the registration of which is suspended pursuant to Section 7-606 or 7-607 or the Illinois Vehicle Code.

Any person convicted of violating this Section is guilty of a business offense and shall be required to pay a fine of not less than One Thousand Dollars (\$1,000) and not more than Two Thousand Dollars (\$2,000).

14.240. DISPLAY OF FALSE INSURANCE CARD. No person shall display evidence of insurance to a law Enforcement Officer, knowing there is no valid liability insurance in effect on the motor vehicle as required under Section 7-601 of the Illinois Vehicle Code or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance required under Section 7-602 of the Illinois Vehicle Code. If the law Enforcement Officer issued a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court.

Any person convicted of violation this Section is guilty of a Class A misdemeanor.

14.241. REQUIRED LIABILITY INSURANCE POLICY.

A. No person shall operate, register or maintain registration of, and no owner shall permit another person to operate, register or maintain registration of, a motor vehicle designed to be used on a public highway unless the motor vehicle is covered by a liability insurance policy.

The insurance policy shall be issued in amount no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of the Illinois Vehicle Code, and shall be issued in accordance with the requirements of Section 143a and 143a-2 of the Illinois Insurance Code, as amended. No insurer other than an insurer authorized to do business in the State shall issued a policy pursuant to this Section for any vehicle subject to registration under this Code.

B. The following vehicles are exempt from the requirements of this Section.

(1). Vehicles subject to the provisions of Chapter 8 or 18a, Article III or Section 7-609 of Chapter 7, or Sections 12-606 or 12-707.01 of Chapter 12 of the Illinois Vehicle Code;

(2). Vehicles required to file proof of liability insurance with the Illinois Commerce Commission;

(3). Vehicles covered by a certificate of self-insurance under Section 7-502 of the Illinois Vehicle Code;

(4). Vehicles owned by the United States, the State of Illinois, or any political subdivision, municipality or local mass transit district;

(5). Implements of husbandry;

(6). Other vehicles complying with laws which require them to be insured in amounts meeting or exceeding the minimum amounts required under this Section and;

(7). Inoperable or stored vehicles that are not operated as defined by rules and regulations of the Secretary.

14.242. INSURANCE CARD. Every operator of a motor vehicle subject to Section 7-601 of the Illinois Vehicle Code shall carry within the vehicle evidence of insurance. The evidence shall be legible and sufficient to demonstrate that the motor vehicle currently is covered by a liability insurance policy as required under Section 7-601 of the Illinois Vehicle Code and may include, but is not limited to, the following:

A. An insurance card provided by the insured under this Section;

B. The combination of proof of purchase of the motor vehicle within the previous 60 Days and a current insurance card issued for the motor vehicle replaced by such purchase;

C. The current declarations page of a liability insurance policy;

D. A liability insurance binder, certificate of liability insurance or receipt for payment to an insurer or its authorized representative for a liability insurance premium, provided such document contains all information the Secretary of State by rule and regulation may require.

E. A current rental or leased vehicle agreement;

F. Registration plated, registration sticker or other evidence of registration issued by the Secretary only upon submission of proof of liability insurance pursuant to the Illinois Vehicle Code.

G. A certificate, decal, or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability pursuant to law.

An insurance card shall be provided for each motor vehicle insured by the insurer issuing the liability insurance policy.

The form contents and manner of issuance of the insurance card shall be prescribed by rules and regulations of the Secretary of State. The insurance card shall display and effective date and an expiration date covering a period of time not to exceed 12 months. The insurance card shall contain the following disclaimer: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy". If the insurance policy represented by the insurance card does not cover any driver operating the motor vehicle with the owner's permission, or the owner when operating a motor vehicle other than the vehicle for which the policy is issued, the insurance card shall contain a warning of such limitations in the coverage provided by the policy.

No insurer shall issue a card, similar in appearance, form and content to the insurance card required under this Section, in connection with an insurance policy that does not provide the liability insurance coverage required under Section 7-601 of the Illinois Vehicle Code.

The evidence of insurance shall be displayed upon request made by any law Enforcement Officer wearing a uniform or displaying a badge or other sign of authority. Any person who fails or refuses to comply with such request is in violation of Section 3-707 of the Illinois Vehicle Code. Any person who displays evidence of insurance, knowing there is no valid liability insurance in effect on the motor vehicle as required under Section 7-601 of the Illinois Vehicle Code or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid, is in violation of Section 3-710 of the Illinois Vehicle Code.

"Display" means the manual surrender of the evidence of insurance into the hands of the law Enforcement Officer making the request for the officer's inspection thereof.

14.243. FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER.

A. Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increased his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer, is guilty of a Class B misdemeanor. The signal given by the peace officer may be by hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle. Such requirement shall not preclude the use of amber or white oscillating, rotating or flashing lights in conjunction

with red or blue oscillating, rotating or flashing lights as required in Section 12-215 of the Illinois Vehicle Code.

B. Upon receiving notice of such conviction the Secretary of State may forthwith suspend the drivers license of the person so convicted for a period of not more than Six (6) Months.

14.244. MOTOR VEHICLE ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES.

A. The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

14.245. IMMEDIATE NOTICE OF ACCIDENT.

A. The driver of a vehicle which is in any manner involved in an accident described in Section 11-406 of the Illinois Vehicle Code shall, if no police officer is present, give notice of the accident by the fastest available means of communication to the local police department if such accident occurs within a municipality or otherwise to the nearest office of the county sheriff or nearest headquarters of the Illinois State police.

B. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Subsection (A) and there was another occupant in the vehicle at the time of the accident capable of doing so, that occupant must give notice as required in Subsection (A).

14.246. FALSE MOTOR VEHICLE ACCIDENT REPORTS OR NOTICES.

Any person who provides information in an oral or written report required by the Illinois Vehicle Code with knowledge or reason to believe that such information is false shall be guilty of a Class C misdemeanor.

14.247. WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle with 3 or more wheels may overtake and pass upon the right of another vehicle only under the following conditions.

(1). When the vehicle overtaken is making or about to make a left turn.

(2). Upon a roadway with unobstructed pavement of sufficient width for Two or more lanes of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(3). Upon a One-Way street, or upon any roadway on which traffic is restricted to One direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lanes of moving vehicles.

B. The driver of a Two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the obstructed pavement to the right of the vehicle being passed is of a width of not less than 8 Feet.

C. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

14.248. FURTHER LIMITATIONS ON DRIVING TO THE LEFT OF CENTER OF ROADWAY.

A. No vehicle shall be driven on the left side of the roadway under the following conditions:

(1). When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2). When approaching within One Hundred (100) Feet of or traversing in One Hundred (100) Feet of or traversing any intersection or railroad grade crossing.

(3). When the view is obstructed upon approaching within One Hundred (100) Feet of or traversing any bridge, viaduct or tunnel.

B. The limitations in sub-paragraphs 1,2, and 3 do not apply upon a One-Way roadway nor upon a roadway with unobstructed pavement of sufficient width for 2 or more lanes of moving traffic in each direction not to the driver of a vehicle turning left into or from an alley, private road or driveway when such movements can be made with safety.

14.249. NO-PASSING ZONES.

A. The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the

beginning and end of such zones. Upon request of a local school board, the department or local authority which has jurisdiction over the roadway in question, shall determine whether the hazardous situation exists at a particular location and warrants a no-passing zone. If the department or local authority determines that a no-passing zone is warranted, the school board and the department or local authority shall share equally the cost of designating the no-passing zone by signs and markings. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in paragraph (A) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

C. This Section does not apply under the conditions described in Section 11-701(a)(2) of the Illinois Vehicle Code, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.

D. Special speed limit areas required under Section 11-605 of the Illinois Vehicle Code in unincorporated areas only shall also be no-passing zones.

14.250. DRIVING ON ROADWAYS LANED FOR TRAFFIC. Whenever a roadway has been divided into 2 or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

A. 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.

B. Upon a roadway which is divided into 3 lanes and provides for Two-Way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.

C. Official traffic control devices may be erected directing specific traffic to use a designated lane or designating those

lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. On multi-lane controlled access highways with 3 or more lanes in one direction, the department may designate lanes of traffic to be used by different types of motor vehicles. Drivers must obey lane designation signing except when it is necessary to use a different lane to make a turning maneuver.

D. Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

14.251. VEHICLES ENTERING STOP CROSSWALK. Where stop signs or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

14.252. OPERATION OF VEHICLES AND STREETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the Illinois Vehicle Code or a police vehicle properly and lawfully making use of an audible or visual signal.

(1). The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2). The operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

14.253. UNATTENDED MOTOR VEHICLES. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and when standing upon and perceptible grade, turning the front wheels to the curb or side of the highway.

14.254. LIMITATIONS ON BACKING.

A. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

B. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

14.255. RIDING ON MOTORCYCLES.

A. A person operation a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

B. A person shall ride upon a motorcycle only vehicles sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

C. No person shall operate any motorcycle with handlebars higher than the height of the shoulders of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

No person shall operate a motorcycle, motor driven cycle, or motorized pedacycle on One wheel.

14.256. SIGNAL LAMPS AND SIGNAL DEVICES.

A. Every vehicle other than an antique vehicle displaying an antique plate operated in this State shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than Five Hundred (500) Feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However,

at all other times, such antique vehicle must be equipped with stop lamps meeting the requirements of Section 12-208 of the Illinois Vehicle Code.

B. Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit as red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

C. Every trailer and semi-trailer shall be equipped with an electric turn signal device which indicated the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely space laterally as practicable.

D. Turn signal lamps must be visible from a distance of not less than Three Hundred (300) Feet in normal sunlight.

E. Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

14.257. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS.

A. Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture, or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice moisture or other material on any of the windows or mirrors, which materially obstructs the driver's clear view of the highway.

B. No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with a side mirror on each side of the vehicle which are in conformance with Section 12-502 of the Illinois Vehicle Code will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured.

14.258. OPERATION GENERALLY. It is unlawful for any person to drive or operate any snowmobile in the following ways.

A. At a rate of speed too fast for conditions and the fact that the speed of the snowmobile does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person or vehicle or object with legal requirements and the duty of all persons to use due care.

B. In a careless, reckless or negligent manner.

14.259. IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE A MOTOR VEHICLE IN A NEGLIGENCE MANNER OVER AND ALONG THE PUBLIC STREETS AND HIGHWAYS OF THE VILLAGE. For the purpose of this section to "operate in a negligent manner" means the operation of a vehicle upon the public streets and highways of this Village in such a manner as to endanger or be likely to endanger any persons or property.

ARTICLE III. REGULATIONS/TRUCK TRAFFIC

14.301. DESIGNATION. All streets within the Village of Caledonia will be designated either "No Trucks" or "Truck Route".

A. The word legend "Truck Route" on a 24 x 24 inch panel (R14-1) will be posted at the entrance of streets so designated.

B. The word legend "No Trucks" on a 24 x 24 inch panel or "No Trucks" symbol sign (R5-2) will be posted on all streets designated "No Trucks" at entrances from streets designated as Truck Routes.

14.302. WEIGHT LIMIT. No vehicle or combination of vehicles, unladen or with load, shall be driven on posted "No Trucks" streets when said vehicles carries an Illinois license designation greater than "B" or equivalent, or its equivalent out of state license, unless the owner of the truck qualifies for and obtains a permit as provided in Section 14.306. Of this Ordinance.

14.303. EXCEPTIONS.

A. It shall be unlawful to operate a truck upon any street within Caledonia designated "No Trucks", except that a truck may be driven a minimum distance necessary for the purpose of making deliveries and for pick up of loads.

B. Buses are exempt from this Ordinance. Public safety vehicles and Village of Caledonia streets maintenance vehicles are also exempt.

**ARTICLE IV. PROHIBITING STOPPING, STANDING OR PARKING
IN SPECIFIED PLACES.**

14.401. PROHIBITED PLACES.

A. On the roadway side of any vehicle stopped or parked at the edge or curb of a roadway;

B. On a sidewalk;

C. Within Three (3) Feet of the nearest edge of a public or private driveway or opposite such driveway so as to obstruct ingress or egress;

D. Within an intersection;

E. Within Fifteen (15) Feet of a fire hydrant;

F. On a crosswalk;

G. Within Twenty (20) Feet of a crosswalk;

H. Within Thirty (30) Feet of any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway;

I. Within Fifty (50) Feet of the nearest rail of any railroad crossing which lies across the roadway;

J. Within Twenty (20) Feet of any driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within Seventy-Five (75) Feet of such entrance when properly sign-posted;

K. Upon any bridge or other elevated structures;

L. When a no parking sign is erected or the curb is painted yellow, no person shall stop, stand or park the vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control device upon any of the roadways located within the Village;

M. In areas where no curbing is provided, it shall be unlawful to stop, stand or park any portion of a vehicle on the side of said roadway with any portion of the vehicle protruding on the paved or designated area for the roadway.

N. Parallel to any legally parked vehicle within the right-of-way.

0. In all residential districts, the area between the dwelling unit and the public right-of-way that the unit faces or abuts, with the exception of improved, paved or graveled areas designed for off-street parking of motor vehicles.

14.402. LIMITATION ON PARKING OF TRUCKS IN RESIDENTIAL AREAS.

A. It shall be unlawful for the operator or owner of any motor vehicle except a passenger the state under the classification of "A" or "B" license, to park such vehicle within residential areas in the Village of Caledonia for a period of longer than One Hour (1). For the purposes of this paragraph, recreational vehicles classified as "RV" shall not be considered above as an "A" or "B" license.

B. Further, it shall be unlawful to park any vehicle weighing in excess of Eight Thousand (8,000) Pounds Gross Weight, including vehicle and maximum load, within residential areas of the Village of Caledonia for a period of longer than One Hour.

C. The requirements of this Section shall not apply to commercial vehicles parked within the Village limits for the purpose of delivering or collecting persons, materials or merchandise or performing some service to the residents on whose property or adjacent to whose property the vehicle is being parked.

14.403. UNATTACHED TRAILERS PROHIBITED. No person shall park at any time upon any of the streets, alleys, or parts of streets of the Village, any trailer or semi-trailer, uncoupled or unattached from its tractor or power unit except while in the process of loading or unloading in commercial districts or greater and not to exceed 6 Hours. This ordinance shall in no way restrict parking of trailers on private property that would otherwise be legally entitled to be parked.

14.404. PENALTIES. Violation of any of the provisions of Article V shall result in the issuance of a citation for the Violation of the applicable provision. If said citation is paid within Ten (10) Days from the Date of issuance of said citation, the fine shall be Fifty Dollars (\$50).

ARTICLE V. PARKING ON PRIVATE PROPERTY

14.501. POSTED/NO PARKING. No person shall without the permission of the owner or lessee of any private property, leave or park any vehicle thereon if there is in plain view on such property a "no parking" sign.

14.502. PENALTIES. Any person who shall be in violation of Section 14.501. Shall be issued a traffic citation. If said

citation is paid within Ten (10) Days from the issuance of said citation the fine shall be Fifty Dollars (\$50). Further, if said citation is paid after Ten (10) Days from the date of issuance of said traffic citation the fine shall be Seventy-Five Dollars (\$75).

ARTICLE VI. PARKING SAME SIDE AS TRAFFIC PROCEEDING

14.601. REGULATIONS.

A. Except as otherwise provided in this Article, every vehicle stopped or parked upon a Two-Way roadway shall be stopped or parked with the right hand wheels parallel to and within 12 Inches of the right hand curb or as close as practicable to the right edge of the right hand shoulder.

B. That every vehicle stopped or parked upon a One-Way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of the authorized traffic movement, with its right hand wheels within 12 Inches of the right hand curb, or as close as practicable to the right edge of the right hand shoulder, or with its left hand wheels within 12 Inches of the left hand curb or as close as practicable to the left edge of the left hand shoulder.

14.602. PENALTIES. Violations of this Ordinance shall result in a fine of Ten Dollars (\$10), if paid within Ten (10) Days from the issuance of said citation, or Twenty Dollars (\$20) if paid after Ten (10) Days of the issuance of said citation.

ARTICLE VII. DRIVING WHILE UNDER THE INFLUENCE

14.701. REGULATIONS. A person shall not drive or be in actual physical control of any vehicle within this Village while:

A. The alcohol concentration in such person's blood or breath is 0.08 or more.

B. Under the influence or alcohol;

C. Under the influence of any other drug or combination of drugs to a degree which renders such persons incapable of safely driving or;

D. Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.

14.702. VIOLATION. The fact that any person charged with violating this Article is or has been legally entitled to use alcohol, or other drugs, or any combination of both, shall not

constitute a defense against any charge of violating the Article.

14.703. PENALTY. Every person who is convicted of a violation of this Article shall be guilty of a Class A misdemeanor, subject to a fine of up to One Thousand Dollars (\$1,000), and in addition of a sentence of imprisonment of up to One Year (10 Years may be imposed by the court).

14.704. REVOCATION/LICENSE. The Illinois Secretary of State shall revoke the driving privileges of any person convicted under this Article, as provided in the Illinois Vehicle Code.

ARTICLE VIII. SUSPENSION OF DRIVERS LICENSE/IMPLIED CONSENT.

14.801. CONSENT/CHEMICAL TESTS. Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this Village shall be deemed to have given consent, to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol, other drug, or combination thereof content of such person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing said officer shall designate which of the aforesaid tests shall be administered.

14.802. INCAPABLE PERSON/IMPLIED CONSENT. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided by Section 14.801. Of the Article and the test or tests may be administered.

14.803. BLOOD ALCOHOL TESTS. A person requested to submit to a test as provided above shall be warned by the law Enforcement Officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of such person's privileges to operate a motor vehicle as provided in Section 6-208.1 of the Vehicle Code of the State of Illinois. The person shall also be warned by the law Enforcement Officer that if the person submits to the test or tests provided above, and the alcohol concentration of such person's blood or breath is 0.08 or greater, a statutory summary suspension of such person's privileges to operate a motor vehicle, as provided in Section 6-208.1 of the Vehicle Code of the State of Illinois and Section 14.803. Of this Code, will be imposed.

If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, the law Enforcement Officer shall immediately submit a sworn report to the Circuit Court of the venue and the Secretary of State, certifying that the test or tests was or were requested pursuant to this section, and the person refused to submit to a test, or

tests, or submitted to testing which disclosed an alcohol concentration of 0.08 or more.

Upon receipt of the sworn report of a law Enforcement Officer submitted under this section, the Secretary of State shall enter the statutory summary suspension for the period specified in Section 6-208.1 of the Vehicle Code of the State of Illinois, and effective as provided hereunder in this section.

On behalf of the Circuit Court, the law Enforcement Officer submitting the sworn report under this section shall serve immediate notice of the statutory summary suspension of the person, and such suspension shall be effective as provided herein. In cases where the blood alcohol concentration of 0.08 or greater is established by a subsequent analysis of blood or urine collected at the time or arrest, the arresting office shall give notice as provided in this section or by depositing in the United States mail of such notice in an envelope with postage prepaid and addressed to such person at his address as shown on the uniform traffic ticket, and the statutory summary suspension shall begin as provided in this section. The officer shall confiscate any driver's license or permit on the person at the time of the arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, which will allow the person to drive during the period provided for hereunder in this section. The officer shall immediately forward the driver's license or permit to the Circuit Court of venue along with the sworn report provided for in this section. The statutory summary suspension referred to in this section shall take effect on the 46th Day following the date the notice of statutory summary suspension was given to the person, the statutory summary suspension referred to in this section shall take effect on the 31' day following the date the notice of statutory summary suspension was given to the person.

14.804. RESTRICTED LICENSE. Regardless of whether such person files a compliant in the court for a court proceeding as provided in Section 14.803. Of this Article, whenever a driver's license is suspended under this Article, the Illinois Secretary of State may, pursuant to the Illinois Vehicle Code, if application is made therefor by the person whose license is so suspended, issue such person a restricted driver's permit, to prevent undue hardship, in the same manner, under the same conditions and with the same limitations specified in Section 6205, chapter 951/2 of the Illinois Revised Statutes.

If the person has had a court hearing as provided for in Section 14.803 and if the court recommended that such person be given a restricted driver's permit to prevent undue hardship, this recommendation shall be made a part of the hearing before the Illinois Secretary of State.

ARTICLE IX. CHEMICAL AND OTHER TESTS.

14.901. ADMISSIBLE EVIDENCE. Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense, evidence of the concentration of alcohol, other drug or combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

A. Chemical analysis of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this Article shall have been performed according to standards promulgated by the Illinois Department of Public Health in consultation with the Illinois Department of Law Enforcement by an individual possessing a valid permit issued by that Department for this purpose. The Director of the Illinois Department of Public Health in consultation with the Illinois Department of Law Enforcement is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analysis, to issue permits which shall be subject to termination or revocation at the discretion of that Department and to certify the accuracy of breath testing equipment. The Illinois Department of Public Health shall prescribe regulations as necessary to implement this Article.

B. When a person shall submit to a blood test at the request of a law Enforcement Officer, only a physician authorized to practice medicine, a registered nurse or other qualified person approved by the Illinois Department of Public Health may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

C. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law Enforcement Officer.

D. Upon the request of the person who shall submit to a chemical test or tests at the request of a law Enforcement Officer, full information concerning the test or tests shall be made available to the person or such person's attorney.

E. Alcohol concentration shall mean either grams of alcohol per 100 millimeters of blood or grams of alcohol per 210 liters of breath.

14.902. PRESUMPTIONS. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

A. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.

B. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

C. If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol.

D. The foregoing provisions of this Article shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

E. If a person under arrest refused to submit to a chemical test, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, or other drugs, or combination of both was driving or in actual physical control of a motor vehicle.

ARTICLE X. BUMPERS & SUSPENSION SYSTEMS.

14.1001. DEFINITIONS.

A. "Bumper". Every device or system of devices protruding from and attached to the front or rear of a motor vehicle which has been designed to be used to absorb the impact of a collision.

B. "Suspension system". The system of devices consisting of but not limited to: springs, spring shackles, shock absorbers, torsion bars, frame or any other supporting members used to attach the body of a motor vehicle to its axles.

C. "Motor vehicle". Every vehicle which is self-propelled, but not operated upon rails.

D. "Motorcycle". Every motor vehicle having a seat or saddle for the used of the rider and designed to travel on not more than Three wheels in contact with the ground, but excluding a tractor.

E. "Chassis". Every frame or supportive element of a vehicle whether or not a manufacturer's identification number, serial number, or other identifying numbers are present on said part.

14.1002. REGULATIONS. It shall be unlawful to operate a motor vehicle on any highway of the Village when the suspension system has been modified from the original manufactured design by lifting the body from the chassis in excess of Three Inches or to cause the horizontal line from the front to the rear bumper to vary over Three Inches in height when measured from a level surface of the highway to the lower edge of the bumper. Nothing in this Section shall prevent the installation of manufactured heavy-duty equipment to include shock absorbers and overload springs, nor shall anything contained in this Section prevent a person from operating a motor vehicle on any highway of this Village with normal wear of the suspension system if normal wear does not effect the control or safe operation of the vehicle. This Section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes while such vehicles are in tow or to motorcycles or motor-driven cycles.

14.1003. WEIGHT LIMITS. If shall be unlawful to operate any motor vehicle with a gross vehicle weight rating of 9,000 pounds or less or any motor vehicle registered as a recreational vehicle under this Article on any highway of this Village unless such motor vehicle is equipped with both a front and rear bumper.

Except as indicated below, maximum bumper heights of such motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure.

Maximum bumper heights are as follows:

	Maximum Front Bumper Height	Maximum Rear Bumper Height
All motor vehicles of the first division	22 Inches	22 Inches
4,500 lbs. And under GVWR	24 Inches	26 Inches
4,501 lbs. Through 7,500 lbs. GVWR	27 Inches	29 Inches

7,501 lbs. Through
9,000 lbs. GVWR 28 Inches 30 Inches

However, nothing in this Section shall prevent the installation of bumper guards

This Section shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor driven cycles, nor to motor vehicles registered as antique vehicles when the original design of such vehicles did not include bumpers.

14.1004. PENALTY. Any person found guilty of violating any Section of this Article shall be punished by a fine of not less than Fifty Dollars (\$50) but not more than Five Hundred Dollars (\$500).

ARTICLE XI. PARKING ON PARKWAYS OR PUBLIC SIDEWALKS.

14.1101. DEFINITIONS. Whenever the word "parkway" is used in this Article, it shall mean any portion of any public street, highway, roadway, or dedicated roadway between the curb, where curbing is provided and the adjacent property line.

14.1102. PARKING PROHIBITED. No person shall stop, stand or park a motor vehicle, trailer, or boat on any parkway.

14.1103. IMPEDING PEDESTRIANS PROHIBITED. No person shall park any vehicle in any driveway in such a manner as to impede pedestrian traffic on any public sidewalk.

14.1104. PENALTY. Any person who shall be in violation of this Article shall be issued a traffic citation. In the event said citation is paid within Ten (10) Days from the issuance of said citation, the fine shall be Ten (\$10). Further, if said citation is paid after Ten (10) Days from the date of issuance of said traffic citation, the fine shall be Twenty Dollars (\$20).

ARTICLE XII. HANDICAPPED PARKING AREAS.

14.1201. UNAUTHORIZED USE OF PARKING PLACES RESERVED FOR HANDICAPPED PERSONS. It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person, as defined in Section 1-159.1 of Illinois Revised Statutes, chapter 951/2, as may from time to time be amended, pursuant to sections 3-616 or 11-1301.2 of chapter 951/2 of Illinois Revised Statutes, as may from time to time be amended, or a motor vehicle registered in another jurisdiction, state, district, territory or foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a handicapped person, or to a disabled

veteran, pursuant to Section 3-609 of chapter 951/2 of Illinois Revised Statutes, as may from time to time be amended, as evidenced that the vehicle is operated by or for a handicapped person or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301 or chapter 951/2 of Illinois Revised Statutes, as may from time to time be amended, for motor vehicles bearing such registration plates.

14.1202. RESPONSIBILITY FOR SIGN INSTALLATION. The responsibility for the proper installation of proper signs indicating the same are reserved for handicapped persons only shall be with the person owning or operating any public or private off-street parking facility. The Village shall place all said signs reserved for handicapped persons only on the Village property. Any of said signs installed shall comply with Section 11.301 of chapter 951/2 of Illinois Revised Statutes, as is amended from time to time.

14.1203. VEHICLE REMOVAL. Any person or the Village of Caledonia owning or operating any public or private off-street parking facility may, after notifying the Village Police, remove or cause to be removed to the nearest garage or other place of safety, any vehicle parked within a stall or place reserved for use by the handicapped which does not display handicapped registration plates or a special decal or device as is required in Section 14.1201 herein. The cost or charges connected with the removal or storage of any motor vehicle pursuant to this Section shall be the obligation of the violator.

14.1204. PENALTY. Violation of this Article shall be punishable, upon conviction, by a mandatory fine of Two Hundred Dollars (\$200) in addition to any costs or charges connected with the removal or storage of any motor vehicle pursuant to Illinois Revised Statutes, chapter 951/2, Section 11-1301.3(b).

ARTICLE XIII. DRIVER AND PASSENGER REQUIRED TO USE SAFETY BELTS-EXCEPTIONS.

14.1301. PERSONS REQUIRED TO WEAR SAFETY BELTS. Each driver and front seat passenger of a motor vehicle operated on a street or highway in this Village shall wear a properly adjusted and fastened seat safety belt; except that, a child less than 6 Years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver of a motor vehicle transporting a child 6 Years of age or more, but less than 16 Years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened seat safety belt.

14.1302. EXCEPTIONS. Section 14.1301. Shall not apply to any of the following:

A. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed or the vehicle between stops does not exceed 15 Miles per hour.

B. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.

C. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.

D. A driver operating a motor vehicle in reverse.

E. A motor vehicle with a model year prior to 1965.

F. A motorcycle or motor driven cycle.

G. A motorized pedalcycle.

H. A motor vehicle which is not required to be equipped with seat safety belts under federal law.

I. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

14.1303. FAILURE TO COMPLY. Failure to wear a seat safety belt in violation of this Article shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

14.1304. PENALTY. A violation of this Article shall be a petty offense and subject to a fine not to exceed Twenty-Five (\$25).

ARTICLE XIV. PROHIBIT THROUGH TRAFFIC IN ALLEYS.

14.1401. DEFINITIONS.

A. "Alley". Alley is defined as an accepted public right-of-way of less than Thirty-Three (33) Feet in width used for access to the properties abutting same.

14.1402. DESIGNATION. All alleys maintained by the Village shall have a sign posted at the entrances with the word legend "No Trough Traffic".

14.1403. RESTRICTION. No motor vehicle shall be driven on or parked in an alley.

14.1404. EXCEPTIONS.

A. Vehicles may be driven a minimum distance necessary for the purpose of making deliveries and or pick up of loads.

B. Vehicles may be driven a minimum distance necessary for ingress and egress to the property abutting said alley.

C. Public safety and maintenance vehicles.

14.1405. AUTHORITY. The designated police department shall cause enforcement of this article.

14.1406. PENALTIES. Any person found guilty of violating this Article shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100).

ARTICLE XV. REGULATE PARKING/MAILBOXES.

14.1501. PARKING PROHIBITED. Parking of a motor vehicle as to obstruct the delivery of mail to mailboxes is prohibited.

14.1502. PENALTY. Any person, persons, corporation, firm or organization or concern which shall violate any provision of this Article shall be guilty of a petty offense and upon conviction shall be fined not less than Fifty Dollars (\$50). For each and every day the violation persists shall constitute a separate violation.

ARTICLE XVI. UNATTENDED VEHICLES PARKED IN RIGHT-OF-WAY.

14.1601. DEFINITIONS. The term "Unattended Motor Vehicle" as used in this Article shall mean any motor vehicle left unattended, for a period of at least Seven (7) Days, in the right-of-way.

14.1602. PUBLIC NUISANCE DECLARED. It is hereby declared that all unattended motor vehicles, whether operable or inoperable, left parked, stopped or standing in the right-of-way within the village of Caledonia, Illinois, for a period of at least Seven (7) Days, is hereby declared to be a public nuisance.

14.1603. PENALTY. Violation of this Article shall result in a fine of Ten Dollars (\$10), if paid within Ten (10) Days from the issuance of said citation, or Twenty Dollars (\$20) if paid after then Ten (10) Days of the issuance of said citation.

14.1604. REMOVAL OF OFFENDING VEHICLES.

A. Police Powers. Boone County Sheriff's Police, representing the Village of Caledonia under terms of the Intergovernmental agreement between Boone County and the Village of Caledonia, Illinois, are hereby empowered to cause any vehicle found to be left unattended for Seven (7) consecutive days in the right-of-way within the Village of Caledonia, Illinois, to be removed to a suitable storage area.

B. Payment for towing and storage. The owner or operator of any vehicle so removed shall be liable for payment of reasonable charges for towing and storage of such vehicle as a condition of regaining possession of such vehicle.

ARTICLE XVII. SNOWMOBILES AND ALL TERRAIN VEHICLES (ATV) .

14.1701. It shall be unlawful for any person to operate a snowmobile or "ATV" as defined in Illinois Revised State Statutes 951/2 on the public streets or any public right-of-way within the corporate limits of the Village of Caledonia.

14.1702. It shall be unlawful for any person to operate a Scooter, Go Carts, Mopeds, or any recreational vehicle on the public streets or any public right-of-way within the Village of Caledonia.

14.1703. Violation of this Article shall subject the operator to a fine of not less than Fifty Dollars (\$50) and not more than Two Hundred Fifty Dollars (\$250). The violator shall be issued a Notice to Appear in the Circuit Court of Boone County.

ARTICLE XVIII. REGULATIONS GOVERNING PERMITS FOR OVERSIZE AND OR OVERWEIGHT VEHICLE LOADS.

14.1801. OVERWEIGHT AND OVER DIMENSION VEHICLES.

A. It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the Village, any vehicle or combination of vehicles exceeding the size and weight limitations stated in the Illinois Compiled Statutes, Sections 625/5/ 15-102 (width, 625/5/ 15-103 (height), 625/5/ 15-107 (length), and 625/5/ 15-111 (weight).

B. Size and weight limitations while operating on Village streets shall not apply to fire apparatus, buses, equipment for snow or ice removal operations owned or operated by or for any governmental body, utilities owned or operated by a public utility while engaged in repairs or be implements of husbandry

temporarily operated or towed in a combination in the furtherance of a farm or agriculture endeavor and to any vehicle of combination of vehicles operating under the terms of a valid oversize and/or over dimension permit issued by the Village under the authority of Section 14.1803.

C. Where lower size and weight limits or other restrictions are imposed by ordinance under authority of the Illinois Compiled Statutes, Sections 625/5/ 15-316 and 625/5/ 15-317, and signs indicating such limitations or restrictions are posed it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions.

D. Whenever any vehicle or combination of vehicles is operated in violation of Section 14.1801, the owner and/or driver of such vehicle shall be deemed guilty of such violation and either or both the owner or driver of such vehicle(s) may be prosecuted for such violation.

14.1802. PERMITS FOR OVERWEIGHT AND/OR OVER DIMENSION VEHICLES.

A. The Village with respect to any street or highway under its jurisdiction may upon application to the Village Clerk on forms provided by the Village Clerk and good cause being shown therefore, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of a vehicle or load exceeding the maximum specified in 14.1901. The applicant shall furnish the following information in the special permit application:

(1). The name and address of the owner or lessee of the vehicle.

(2). Applicant's name.

(3). Type of permit requested whether it be for a single trip, round trip, or multiple routing.

(4). The description and registration of the power unit.

(5). Description of the object or vehicle to be moved.

(6). The number of axles of the vehicle or combination of vehicles.

(7). The axle weights of all single, tandem or series axles.

(8). Gross weight of the vehicle.

(9). The width, length and height of the vehicle and load.

(10). The origin of the load within Illinois or state line if the origin is outside the jurisdiction of the Village, copies of all county and/or State of Illinois permits must be attached to the application prior to approval and issuance of a Village special permit.

(11). Requested routing over Village streets and to specific location.

B. The owner or his agent shall submit an application fee in accordance with this section. Permits are valid only for the date(s) specified on the permit and for the specific vehicle, load, and routing as established by the Village Clerk. No substitution of vehicle, load or routing is permitted without expressed written permission by the Village Clerk and carried in the vehicle to which the permit applies.

The fees will be as follows;

House Trailer combinations or other vehicles of legal weight but otherwise over dimension shall be Fifteen Dollars (\$15) for a single trip permit valid for Seven Calendar Days.

All overweight vehicle combinations shall be charged at a rate of Fifty Dollars (\$50) for a single trip permit valid for Seven Calendar Days, Eighty Dollars (\$80) for a round trip permit valid for Fourteen Calendar Days, and One Hundred Fifty Dollars (\$150) for a multiple routing permit valid for a period not to exceed One Hundred Twenty Calendar Days.

C. The Village Clerk is authorized to approve the application for approved routes. Upon approval and payment of all required fees the Village Clerk shall issue a permit allowing the passage of the oversize and/or overweight vehicle(s) over Village streets. The Permit shall be specific and contain.

(1). Permit number.

(2). The date(s) the permit is valid.

(3). Whether the permit is single, round, or multiple routing.

(4). The description of object or vehicle to be moved.

(5). Authorized gross weight, axle weights, width, length and height.

(6). The authorized routing over Village streets including the origin and termination point within the Village.

(7). The fee paid.

(8). The date and signature of the Roads & Capital Improvements Chairman.

In addition the permit will specify general conditions that the permittee must comply with that are consistent and reasonable for the protection of the general public and Village streets. A copy of all permits issued will be provided to the Boone County Sheriff's Police for information and compliance.

D. It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking of the permit move is deemed Prima Facie evidence of acceptance of the permit and that:

(1). The permittee is in compliance with all operation requirements;

(2). All dimension and weight limitations specified in the permit will not be exceeded;

(3). All operation, registration and license requirements have been complied with;

(4). All financial responsibilities, obligations and other legal requirements have been met;

(5). The permittee assumes all responsibility for injury or damage to persons or to public or private property, including his own, or to the object being transported, caused directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit. He agrees to hold the Village of Caledonia harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the Village of Caledonia for any claim it may be required to pay arising from the movement.

E. The permit shall be carried in the vehicle to which the permit applies at all times while operating on the streets within the Village and shall be exhibited upon demand to any Enforcement Officer, Police Officer or other authorized official of the Village of Caledonia.

F. Whenever any vehicle is operated in violation of the provisions of a Village permit whether it be by size, weight or general provisions, and either or both the owner or driver of such vehicle shall be deemed guilty and either or both the owner or driver of such vehicle may be prosecuted for such violation.

14.1803. PENALTIES.

A. Operating in excess of Gross Weights specified in the permit shall be punishable at the following rates:

Amount of overweight and fine per pound:

0,001 - 1,000 lbs.	.01 cents to .05 cents per lbs.
1,001 - 2,000 lbs.	.04 cents to .07 cents per lbs.
2,001 - 3,000 lbs.	.07 cents to .10 cents per lbs.
3,001 - 4,000 lbs.	.10 cents to .15 cents per lbs.
4,001 - 5,000 lbs.	.15 cents to .20 cents per lbs.
5,001 lbs and over	.17 cents to .25 cents per lbs.

B. Operating in excess of Axle Weight specified in the permit shall be punishable at the following rates:

0,001 - 1,000 lbs.	.02 cents to .05 cents per lbs.
1,001 - 2,000 lbs.	.05 cents to .10 cents per lbs.
2,001 - 3,000 lbs.	.10 cents to .15 cents per lbs.
3,001 lbs and over	.15 cents to .20 cents per lbs.

C. Operating under a fraudulent permit or permit not specifically covering the move shall be punishable at the rate of not less than Ten (.10) Cents per pound for each pound the Gross Weight of the vehicle exceeds the Gross Weight of such vehicles allowable under 14.1802. Of this section and the permit shall be void.

D. Operating in violation of the provisions or conditions of the permit shall be punishable at the rate established in the current overweight bond schedule issued by the Illinois State Police.

ARTICLE XIX. NUISANCE VEHICLES.

14.1901. NUISANCE DECLARED. The maintenance of vehicles in a haphazard and unsightly fashion and in such a number as to be an aggravation or annoyance to surrounding property owners and in view of the general public, is declared to constitute a public nuisance.

14.1902. PENALTY. Any owner of lessee or any other person in control of the premises and the owner or lessee or any other person in control of the motor vehicles who permits a public nuisance, as declared in this article, to exist or who maintains such a public nuisance shall upon conviction be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500). Each day the violation continues shall constitute a separate offense. The violator shall be issued a Notice to Appear in Circuit Court in Boone County.

**ARTICLE XX. WEIGHT OF VEHICLES LIMITED BECAUSE OF DETERIORATION
DUE TO CLIMATIC CONDITIONS; SIGNS.**

14.2001. RESTRICTED WEIGHT LIMITS.

A. Whenever by reason of deterioration: rain, snow, freezing and thawing, or other climatic conditions, highways under the control, supervision, and jurisdiction of the Village of Caledonia may be damaged or destroyed, the maximum weights permitted to be transmitted to the surface of any such highway by any vehicle shall be limited to conform with the following limitations:

2 AXLES, SINGLE REAR TIRES.....	7,000 LBS.
2 AXLES, DUAL REAR TIRES.....	18,000 LBS.
3 OR MORE AXLES, DUAL REAR TIRES..	30,000 LBS.
GROSS AXLE LOAD.....	11,000 LBS.

For a period of not to exceed Ninety (90) Days in any One calendar year, and that such notice of the above prohibitions and restrictions be posted at each end of that portion of any such minimum measurements of Thirteen (13) Inches by Nine (9) Inches.

B. The chairman of Roads & Capital Improvements is hereby authorized and directed to cause signs to be erected and maintained at each end of any such highway, which signs shall designate the maximum weight restrictions here adopted and shall read as follows:

NOTICE:

VEHICLES RESTRICTED TO THE FOLLOWING GROSS WEIGHTS

2 AXLES, SINGLE REAR TIRES.....	7,000 LBS.
2 AXLES, DUAL REAR TIRES.....	18,000 LBS.
3 OR MORE AXLES, DUAL REAR TIRES...	30,000 LBS.
GROSS AXLE LOAD	11,000 LBS.

C. PENALTY. Violation of this section shall be punishable upon conviction by a fine of not less than Seventy Five Dollars (\$75) nor more than Five Hundred Dollars (\$500).

ARTICLE XXI. FAILURE TO DISPLAY HANDICAP DECAL.

14.2101. In all Handicapped Parking areas as designated throughout the Village of Caledonia and as provided for in the various sections of the chapter (14), if a ticket is issued under a section contained in chapter (14) to an individual who had, at the time the ticket was issued, a valid and duly-issued Handicapped decal, but failed to display said decal in the vehicle, resulting in the ticket being issued, then, in that

event, the Village in its discretion, may reduce the fine from the amount stated on the ticket, or as provided under any section of chapter 14, to Ten Dollars (\$10).

ARTICLE XXII. TRAFFIC RESTRICTIONS/HAZARDOUS WATER.

14.2201. HAZARDOUS WATER CONDITION. When water run-off conditions cause standing water in any public right-of-way which causes a hazard to the public safety, health and welfare from the use of the public right-of-way by vehicular traffic, the Village may erect temporary traffic control devices so as to minimize the hazard to the public generated by the standing water conditions.

14.2202 TRAFFIC RESTRICTIONS. The Village may provide for necessary traffic restrictions when conditions of standing water cause a hazardous condition. These traffic restrictions may include, and are not limited to, providing for barricades in areas affected by standing water or providing for other regulatory signage in areas affected by standing water. No vehicle may be driven in a manner which violates or disregards the temporary restrictions or regulations posted in the area affected by the condition of standing water.

14.2203. PENALTY. Any person violating or disobeying any traffic restriction or regulation provided in this article shall be subject to a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500).

CHAPTER XVI.

OFFENSES - MISCELLANEOUS

16.101. DEFINITIONS.

A. FIREARMS. A firearm is defined to include but not be limited to a rifle, shotgun, pistol, revolver, pellet gun, air gun, tear-gas gun, projector or bomb, B.B. gun, or stun gun or laser.

B. STUN GUN OR LASER. Means any device which is powered by electrical charging units, such as batteries, and which, fires one or several barbs attached to a length of wire and which upon hitting a human can sent out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

16.102. EXCEPTIONS. It shall be unlawful to discharge any firearm within the Village, provided that this Section shall not be construed to affect the following:

A. Peace Officers or any person summoned by any such Officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such Officer.

B. Warden, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty.

C. Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

D. Special agents employed by a railroad or a public utility to perform police functions or guards of armored car companies while actually engaged in the performance of the duties of their employment; watchmen while actually engaged in the performance of the duties of their employment; security guards while actually engage in the performance of the duties of their employment. For purposes of this Section, security guards means persons employed by a licensed detective agency as defined, in State Statutes, by "An Act to provide for licensing and Regulating Detectives and Detective Agencies", approved June 26, 1933, as amended, who are so employed for any of the purposes enumerated in Section 1(B) of

such Act and any person regularly employed in a commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer of such security guards, and who, as such security guards are members of a security force of 30 persons or more registered with the Department of Registration and Education, provided, that such security guard has successfully completed a course of study, approved by and supervised by the Department of Registration and Education, consisting of not less than 30 Hours of training which shall include theory of law enforcement, liability for acts and the handling of weapons. The Department of Registration and Education shall provide suitable documentation to demonstrate the successful completing of such course. Such documentation shall be carried by the security guard at all times when he is in possession of a concealable weapon.

E. Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified while on duty in the course of any investigation for the Commission.

F. Any person while defending himself or his family in his own home.

G. Members of any club or organization organized for the purpose of practicing shooting at targets upon established, sound proof, indoor target ranges, whether public or private, patrons of such ranges while such members or patrons are using their firearms on those target ranges.

H. Duly authorized military of civil organizations while parading or during memorial services or funerals with the special permission of the Governor or of the Village Board President.

16.103. PENALTY. Any person, persons, corporation, firm or organization or concern which shall violate any provision of this Article shall be fined not less than Twenty-Five Dollars (\$25) nor more than Five Hundred Dollars (\$500).

ARTICLE II. GARBAGE, DEBRIS, ETC./PUBLIC NUISANCE.

16.201. REGULATIONS. It shall be unlawful for any person to allow garbage or debris to be located upon his property. Any violation of this Section shall be deemed a public nuisance.

16.202. DEFINITIONS. For the purpose of this Article the following definitions shall apply:

A. GARBAGE: Garbage shall be defined as offal; refuse, animal or vegetable matter; or trash.

B. DEBRIS: Debris shall be defined as materials which are placed outside in a haphazard manner, which may create rodent and pest harborage or items which are not intended or customarily stored outdoors and which if left, exposed and unprotected from the elements have, or potentially will, deteriorate by reason of vandalism, moisture and exposure. Such materials can include rubbish and items which might otherwise be considered usable such as furniture, appliances, boards, cardboard boxes of items, clothing, dishes, machinery and so forth.

C. TRASH: Trash shall be defined as worn out, broken up, or worthless things; and refuse.

D. RUBBISH: Rubbish shall be defined as waste or rejected matter.

E. ABANDONED, any unused trailers, campers, recreational vehicles parked on private property.

16.203. VIOLATION NOTICE. Any owner or tenant who is given a Ten (10) Day notice in writing from the Enforcement Officer to remove garbage or debris, shall remove said garbage or debris within said Ten (10) Day period. In the event the owner or tenant, after receipt of said notice refuses or neglects to remove such garbage or debris, the Village may remove the same and collect from the owner of the premises the reasonable cost thereof. Within Sixty (60) Days after such cost and expense is incurred by the Village, the Enforcement Officer shall file a notice in the office of the Recorder of Deeds of Boone County consisting of a sworn statement setting out: (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the municipality. Said notice shall be addressed to the owner of said real estate. This notice shall be a lien upon the real estate affected superior to all subsequent liens and encumbrances except tax liens.

However, the lien of the Village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the garbage and debris and prior to the filing of such notice, and the lien of such municipality shall not

be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arose prior to the filing of such notice.

The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Suit to foreclose this lien shall be commenced within Two (2) Years after the date of filing notice of lien as is set forth in Illinois Revised Statutes, chapter 24, Section 11-20-13.

16.204. PENALTY. Any person, persons, corporations, firms or organizations which shall violate any provision of this Article shall be fined not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) plus cost of court. Each day any violation of this Article shall continue shall constitute a separated offense.

ARTICLE III. NOISE/PUBLIC NUISANCE.

16.301. FINDINGS. It is recognized that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depressed property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.

16.302. ADOPTION OF STATE PROVISIONS. Chapter 8 of the Illinois Pollution Control Board Rules and Regulations pertaining to noise from stationary sources is hereby adopted by the Village of Caledonia.

16.303. VEHICULAR NOISE GENERALLY.

A. No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion, nor shall such horn or signal be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.

B. It shall be unlawful and it is hereby declared a public nuisance for any person, owner and or operator, to make unnecessary and annoying noises with a motor vehicle by loud use of audio equipment, sound amplification equipment, squealing tires, excessive acceleration of an engine, or by emitting unnecessary and loud muffler noises so that it annoys, injures, or endangers the comfort, health or safety of others, or that can be heard outside the vehicle from Seventy-Five Feet (75') or more when the vehicle is being operated or parked.

16.304. UNREGISTERED RECREATIONAL OR OFF-HIGHWAY VEHICLES. It shall be unlawful for any person to operate a motor driven vehicle of a type not subject to registration for road use between the Hours of 9:00 P.M. and 9:00 A.M.

16.305. CONSTRUCTION NOISE. It shall be unlawful for any person to use any hammer or power-operated tool for repair or construction purposes between the hours of 10:00 P.M. and 7:00 A.M. within Six Hundred (600) Feet of any building used for residential or hospital purposes. Repairs to public service utilities shall be exempted from this Article.

16.306. GROUNDS MAINTENANCE EQUIPMENT. It shall be unlawful to operate any power-driven lawn or garden maintenance equipment between the hours of 10:00 P.M. and 7:00 A.M. within Six Hundred (600) Feet of any building used for residential or hospital purposes.

16.307. MISCELLANEOUS NOISE SOURCES. It shall be unlawful to operate the following equipment outdoors between the hours of 10:00 P.M. and 7:00 A.M. within Six Hundred (600) Feet of any building used for residential or hospital purposes:

- A. Power-operated models including automobiles, boats and aircraft.
- B. Sound trucks and public address systems.
- C. Musical instruments.
- D. Radios, television sets, cd players, tape decks and phonographs.
- E. Factory time whistles.
- F. Church bells and carillons.

16.308. ANIMAL NOISE. It shall be unlawful for any person to own, keep, have in his possession, or harbor any animal which by frequent or habitual emission or generation of noise shall cause annoyance or disturbance to persons in the neighborhood, provided that the provisions of this section shall not apply to hospitals conducted for the treatment of animals or to premises used by the Village of Caledonia for the confinement of stray animals.

16.309. NUISANCE NOISES.

- A. It shall be unlawful to cause or create any unnecessary

unusual or loud noise at any time which annoys, injures, or endangers the comfort, repose, health, or safety of others unless such noise is necessary for the protection or preservation of property or of the health, safety, or life of some person.

B. No person owning or in possession or control of any building or premises shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises is situated, or be dangerous or detrimental to health.

16.310. EXCEPTIONS TO REGULATIONS. The following are exempt from the above regulations:

- A.** Sirens and bells on emergency vehicles.
- B.** Fire and burglar alarms.
- C.** Civil defense warning systems.
- D.** Train whistles and horns.
- E.** Authorized fireworks displays.
- F.** Authorized concerts and parades.

16.311. PENALTIES. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of these regulations, upon conviction thereof, shall be punished by a fine of not less than Twenty-Five (\$25) nor more than Three Hundred Dollars (\$300) for the first offense, and not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) for the Second and each subsequent offense, in any One Hundred Eighty-Day period. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation, or failure to comply after notification thereof.

16.312. ENFORCEMENT. This Article shall be enforced by both the Boone County Sheriff's Police and the County Health Department.

ARTICLE IV. OPEN BURNING.

16.401. DEFINITION. Open burning as used herein is defined as the combustion of any matter in the open or in an open dump

without originating in or passing through equipment.

16.402. EXCEPTIONS. No person, partnership or corporation shall cause or allow the open burning of any materials whatsoever in the Village of Caledonia with the following exceptions:

A. Burning of materials grown on the property which is the site of open burning, such as leaves, tree limbs, or branches and bushes, may be burned only from sun up to 9.00 P.M. and all open burning must be attended at all times.

B. Burning at any time by a farmer or his agent or employees in the course of their employment on a farm. As used herein, a farm shall be defined as an area of greater than Ten (10) contiguous acres having an annual sale of agricultural products of Two Hundred Fifty Dollars (\$250) or more.

C. Burning supervised by any fire protection district serving the Village for the purpose of instruction in methods of fire fighting or fire hazard elimination. The Village President and the supervisor of local law enforcement agency must be notified in advance of any such burning.

16.403. RECREATIONAL BURNING ALLOWED. Recreational burning is defined as "an occasional burning of fuels for legitimate campfire, recreational or cooking purpose". A recreational fire must be contained in a fire-safe vessel, pit, fire ring or a device designed for such used provided that:

A. Burning for the purpose of campfires, recreation and cooking shall be limited to untreated dried wood, which does not exceed 22 Inches in length and 11 Inches in diameter.

B. Such fires are completely extinguished by midnight and not re-ignited until 6:00 A.M. the following morning.

C. Burning shall not be within Ten (10) Feet from any structure and shall be in a safe area where it will not constitute a fire hazard to any structure, trees, vegetation or undergrowth.

D. The fire at all times must be monitored and attended by an adult of at least 18 Years of age until the fire is extinguished.

E. Buckets, shovels, garden hoses or fire extinguishers shall be available for immediate use.

16.404. SPECIAL CONDITIONS. The Enforcement Officer, Police Officer or Fire Department Official may, in their sole discretion,

prohibit any burning which will be offensive or objectionable due to smoke or odorous emissions when atmospheric or local circumstances make such fires a nuisance or hazardous. The official in His/Her sole discretion may order the extinguishment of any burning, which creates or adds to a hazardous or objectional situation or condition.

16.405. PROHIBITED. Open burning permitted by the terms of this Article shall under no circumstances be allowed upon any sidewalk, public street, alley or highway.

16.406. CHARCOAL OR LP GAS GRILLS. Open burning for the purposes of cooking and preparing a meal using charcoal or LP gas in a typical grilling procedure and equipment is not prohibited by this Article.

16.407. PENALTIES. Any person, persons, partnership, corporation, firm or organization who violates any provision of this Article shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), plus court costs for each offense.

ARTICLE V. PUBLIC INDECENCY.

16.501. REGULATIONS. It shall be unlawful to urinate or otherwise relieve oneself on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle or other place frequented by the public or to which the public is invited.

16.502. PENALTIES. Any person or persons who shall violate any provisions of this Article shall upon conviction be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), plus court costs.

ARTICLE VI. SALE OF MERCHANDISE.

16.601. PROHIBITED. It is unlawful for any person, firm, or corporation to sell, offer to sell, take orders, or attempt to sell any merchandise on any public street, public sidewalk or other municipal property within the Village.

16.602. PENALTIES. Any person, corporation, or firm violating this Article shall be subject to a fine of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100) for each and every such offense.

ARTICLE VII. PLANTS AND WEEDS.

16.701. DECLARED PUBLIC NUISANCE. It shall be unlawful for any resident, occupant, owners, or agent of any premises to allow any weeds or plants, other than trees, flowers, ornamental plants or other cultivated plants, to grow to a height exceeding Ten (10) Inches anywhere in the Village except on land zoned "Agricultural". Any such plants or weeds exceeding such height are hereby declared to be a public nuisance. It shall be the duty of every owner, or occupant of any lot or land within the Village, except as set forth aforesaid, to remove said weeds or plants.

16.702. REGULATING SAME. It shall be the duty of every owner of a lot, or other land within the Village, or the occupant thereof, to remove all Canadian thistles, ragweed or other noxious weeds and it shall be unlawful for anyone to permit such weeds to grow or remain on any lot or tract of land in the Village and the same are hereby declared to be a public nuisance.

16.703. VIOLATION NOTICE. Notice in writing by certified mail of a violation of Sections 16.701. Or 16.702. Above shall be given by the Enforcement Officer to the owner or his agent or occupant of any lot or tract of land in the Village violating said Sections. Upon failure of the owner or his agent or the occupant to cut or remove the weeds or plants named in Sections 16.701. Or 16.702. Above, within Ten (10) Days of the date of mailing of said notice, is shall be the duty of the Enforcement Officer to have said weeds or plants cut or removed.

16.704. EXPENSE. In addition to charges for cutting or removing said weeds or plants, there shall be an administrative fee of One Hundred Dollars (\$100). The expense incurred by the Village in cutting or removing said weeds or plants shall be charged to and paid by the owner of the lot or tract of land and shall be collected by the Village by suit or otherwise and shall be in addition to the fine or penalty.

16.705. LIEN. The reasonable expense or removing or cutting said weeds or plants, in the event the same has not been paid, is hereby declared to be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within Sixty (60) Days after such expense is incurred the Village Attorney shall file a notice of lien in the office of the Recorder of Deeds of Boone County. This notice shall consist of a sworn statement by the Enforcement Officer setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates which such, costs and expense were incurred by the Village. However, the lien of the Village shall not be valid as to

any purchaser whose rights in an to such real estate have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the Village shall not be valid as to any mortgagee, judgment, creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village Attorney by the preparation and filing of a release of such lien in the office of the Recorder of Deeds of Boone County.

16.706. PENALTIES. Any person, organization, corporation, partnership or otherwise, violating the provisions of this Article, shall be subject to a fine of not less than Twenty-Five Dollars (\$25) and not more than One Hundred Dollars (\$100) for each offense. A separate offense shall be deemed committed upon each day during or on which violation occurs or continues.

ARTICLE VIII. CURFEW/MINORS.

16.801. REGULATIONS. It is unlawful for a person less than Seventeen (17) Years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least Eighteen (18) Years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than Seventeen (17) Years of age to perform:

- A.** Between 12:01 A.M. and 6:00 A.M. Saturday;
- B.** Between 12:01 A.M. and 6:00 A.M. Sunday;
- C.** Between 11:00 P.M. on Sunday through Thursday, inclusive, and 6:00 A.M. on the following day.

16.802. VIOLATION. It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate Section 16.801. Of this Article.

16.803. PENALTY. A person convicted of a violation of any provision of this Article shall be guilty of a petty offense and shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

ARTICLE IX. PRIVATE SCAVENGERS ON CLEAN-UP DAY/PUBLIC NUISANCE.

16.901. DEFINITIONS. Scavengers are hereby defined as any person, persons, corporation, partnership, or other entity that picks up or collects metals and trash.

16.902. DECLARED PUBLIC NUISANCE. It is unlawful for any person, persons, corporation, partnership, or other entity to collect or pick up metals or trash within the Village of Caledonia on any designated and published clean-up days within the Village except those scavengers hired by the Village to pick up metals and other trash on said designated and published clean-up days, and except for regular garbage pick-up by contracted scavengers, and the violation of this Article is hereby declared to be a public nuisance.

16.903. NOTICE PUBLICATION REQUIRED. The Enforcement Officer is hereby directed to publish a Notice of Village clean-up days in a newspaper in general circulation within the Village at least Seven (7) Days prior to any Village clean-up days, and said Notice shall contain the provision that it is unlawful for any person or private scavenger to pick up or collect metals or trash within the Village on said designated Village clean-up day or days.

16.904. PENALTY. Any person, persons, corporation, partnership, firm or any organization or concern who shall violate any provision of this Article shall be subject to a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500), and each and every day said violation occurs shall constitute a new and separated offense.

ARTICLE X. NEIGHBORHOOD BEAUTIFICATION PROGRAM REGULATIONS.

16.1001. VIOLATION. It shall be declared unlawful for any person, persons, corporation, firm or organization or concern to transport or place or allow to be transported or placed materials for removal from outside the Village limits during the time period in which the cleanup program is in progress.

16.1002. VIOLATION AND PENALTY. Any person, persons, corporation, firm or organizations or concern which shall violate any provision of this Ordinance shall be guilty of a felony and upon conviction shall be fined not less than Five Hundred Dollars (\$500). For each and every day the violation persists shall constitute a separate violation.

16.1003. REWARD. The Village of Caledonia shall offer a reward of Fifty Dollars (\$50) for information leading to the arrest and conviction of any person, persons, corporation, firm or organization or concern violating this Ordinance.

ARTICLE XI. HOURS OF PUBLIC PARK AND PENALTY.

16.1101. HOURS. All public parks under the jurisdiction of the Village of Caledonia shall be open to the public only between the Hours of 6:00 A.M. and 10:00 P.M. Daily. It shall be unlawful to be present in a public park between the Hours of 10:00 P.M. and 6:00 A.M.

16.1102. SIGNS. The Chairman of Roads & Capital Improvements is authorized to purchase and post signs denoting said Hours at the entrance to all public parks under the jurisdiction of the Village.

16.1103. PENALTY. Any person, persons, corporation, partnership, firm or any organization or concern who shall violate any provision of the Article shall be subject to a fine of not less than Fifty Dollars (\$50) and not more than Two Hundred Dollars (\$200) and each and every day said violation occurs shall constitute a new and separate offense.

ARTICLE XII. COLLECTION OF YARD WASTES.

16.1201. DEFINITION. Yard waste is defined as any living matter lacking locomotion and possessing cellulose cell walls grown on property and include the following:

- A. Grass clippings.
- B. Trees or leaves, limbs, branches.
- C. Items grown in a garden, fruits or vegetables.

16.1202. Yard waste has been deemed collectible and shall be placed for collection on the curb with regular trash collection in the Village of Caledonia.

16.1203. Items will be removed under the following conditions:

A. Yard wastes can be placed in paper biodegradable bags.

B. Yard wastes can be place in an open container and placed at the curbside.

16.1204. Village of Caledonia residents at the curbside, as defined in this Article, may place yard waste, during hours designated by garbage removal schedule.

16.1205. REWARD. The Village of Caledonia shall offer a reward equal to 20% of the fine for information leading to the arrest and conviction of any person, persons, corporation, firm or organization or concern violating this ordinance.

16.1206. PENALTY. Violation of this Ordinance shall result in a minimum fine of Two Hundred Dollars (\$200) and a maximum fine of Five Hundred Dollars (\$500).

16.1207. PROVISIONS. The provisions of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

ARTICLE XIII. DUMPING.

16.1301. DEFINITION. No single family residential refuse shall be disposed of at any site other than at the curb or road shoulder for each residential property.

16.1302. VIOLATION AND PENALTIES. A violation of this Section is punishable to a minimum fine of Two Hundred Dollars (\$200) and a maximum of Five Hundred Dollars (\$500). The President or his designee shall have the authority to direct payment or Twenty Percent (20%) of any fine revenue received by the Village of Caledonia from a conviction or plea or finding of guilty to a violation of this Section to the person or persons other than the violator who provided information that led to the conviction of this Section, and the President or his designee and the Village of Caledonia shall not be subject to any suit, judgment, claim or appeal of this determination.

16.1303. PROVISIONS. The provisions of this Ordinance shall

be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

ARTICLE XIV. HORSES.

16.1401. (RESERVED)

ARTICLE XV. PROHIBITION OF GRAFFITI.

16.1501. REGULATIONS. No person shall write, paint or draw any inscription, figure or mark of any type on any public or private building or other real or personal property, owned, operated or maintained by a governmental entity of any agency or instrumentality thereof or by any person, firm or corporation, unless the express permission of the owner or operator of the property has been obtained.

16.1502. PROHIBIT POSSESSION. No person shall carry an aerosol spray paint can or broad-tipped indelible marker with the intent to violate the provisions of Section 16.1501.

16.1503. PROHIBIT PURCHASE. No person shall purchase an aerosol spray paint can or broad-tipped indelible marker with the intent to violate the provisions of Section 16.1501.

16.1504. PROHIBIT SELLING. No person, business or entity shall sell or cause to be sold an aerosol spray paint can or broad-tipped indelible marker to any individual when said person, business or entity knows or has reason to know that said person intends to violate the provisions of Section 16.1501.

16.1505. DEFINITION. For the purpose of this Section, the term "broad-tipped indelible marker" means by felt-tip marker, or similar implement, which contains a fluid which is not water soluble and which has a slat or angled writing surface One-Half Inch or greater.

16.1506. VIOLATION AND PENALTY. Any person convicted of a violation of this Section shall be punished by a fine of not less than One Hundred Dollars (\$100) and not more than Five Hundred Dollars (\$500). Each separate act of purchasing, selling, or writing, painting or drawing on public or private property constitutes a separate offense.

ARTICLE XVI. GARAGE SALES AND YARD SALES.

16.1601. DEFINITION. A garage sale shall be defined as the sale of a family's used unwanted household goods, held in one's garage. A yard sale shall be defined as a garage sale that is held in one's yard.

16.1602. REGULATIONS. Garage sales and yard sales shall be permitted at residential property in the Village of Caledonia no more than Three Times Per Calendar Year, and for no more than Four Consecutive days each time. No permit shall be required.

16.1603. PENALTY. The violator shall be issued a Notice to Appear in Circuit Court in Boone County. Any person convicted of violating any of the provisions of the Article or of neglecting or of refusing to comply with any of the provisions hereof shall be fined not less than One Hundred Dollars (\$100) and not more than Five Hundred Dollars (\$500). Each day the violation continues shall be construed as a separate and distinct offense for which the violator may be subject to the above penalties.

ARTICLE XVII. STREET GANG ACTIVITY.

16.1701. DEFINITION. Graffiti shall be defined as: any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture or letter placed, without the express, written permission of the owner, upon the real or personal property of said owner.

A. Graffiti in public view is hereby declared to be a nuisance as set forth in the Ordinances of the Village and subject to the provisions of Village Ordinances regarding nuisances and abatement thereof.

B. It shall be unlawful for any person to place graffiti upon the real or personal, public or private property of another.

C. It shall be unlawful for the owner and/or occupant of fixed real or personal property which is in public view to place or give permission for the placement of any graffiti on such property without having first obtained a properly issued signed permit.

D. It shall be unlawful for any person to possess, while in any public building or public facility or while on private property, a spray paint container, paint, ink, marking pen which contains a non-water soluble fluid, brush, applicator, or any other material for marking, scratching or etching with the intent to use such material in violation of Subsection (B) and or ©)

herein above.

16.1702 PENALTIES.

A. The penalty for violation of Subsection (B) herein above shall be a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). In addition to said fine, the offender may be ordered by the Court to pay restitution to the property owner for the costs of restoring the property to its state prior to the application of graffiti.

B. The penalty for violation of Subsection C herein above shall be a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

C. The penalty for violation of Subsection (D) herein above shall be a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500).

D. Any person convicted of a violation of Subsection B, C, or D herein above, who is found to have been a member of a gang as defined by Section 6(A) (1) or candidate for membership in a gang at the time of the offense was committed and who is found to have violated said Subsection in conjunction with gang-related activities, shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250) nor more than Five Hundred Dollars (\$500) in addition to other penalties provided in the Section.

16.1703. CURFEW. That notwithstanding anything contained to the contrary in existing Village Ordinances the following shall apply with respect to curfew:

A. It is unlawful for a person more than Fifteen (15) Years of age but less than Eighteen (18) 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 or legal guardian unless engaged in a business or occupation which the laws of this state authorize a person less than Eighteen (18) Years of age to perform:

(1). Between 12:01 A.M. and 6:00 A.M. Saturday;

(2). Between 12:01 A.M. and 6:00 A.M. Sunday:

(3). Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

B. It is unlawful for a person less than Sixteen (16) 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 or legal guardian unless engage in a business or occupation which the laws of this state authorize a person less then Sixteen (16) Years of age to perform or unless in attendance at, or while traveling directly home from a school, church or a not-for-profit community organization sponsored activity:

(1). Between 10:00 P.M. and 6:00 A.M. (On the following day), Seven (7) days a week.

C. It is unlawful for any parent, legal guardian or other person to knowingly permit a person in His/Her custody or control to violate this Section.

D. Any person convicted or violating any provision of this Section shall be fines not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) for each offense.

16.1704. PARENTAL RESPONSIBILITY.

A. As used in this Section, unless the context otherwise required, the terms specified have the meaning ascribed to them:

(1). "Legal guardian" means a person appointed guardian, or given custody, of a minor by Circuit Court of the State, but does not include a person appointed guardian, or given custody, of a minor under the Illinois Juvenile Court Act of 1987.

(2). "Minor" means a person who is above the age of Eleven (11) Years of age, but not Nineteen (19) Years of age.

B. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which causes injury to a person or property.

C. No recovery under this Section may exceed One Thousand Dollars (\$1,000) actual damages for each person or legal entity for each occurrence of such willful or malicious acts by the minor causing injury, addition to taxable court costs. In determining the damages to be allowed in an action under this Ordinance for personal injury, only medical, dental and hospital expenses and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto may be considered.

D. This Ordinance shall not effect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law or statutory basis.

16.1705. TEMPORARY QUESTIONING WITHOUT ARREST.

A. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the person is wearing known gang colors, emblems or other gang insignia, or appears to be engaged in communicating gang-related messages through the use of hand signals or other means of communication, and the officer reasonable infers for the circumstances that the person is committing, is about to commit, or has committed any offense. Once stopped, the officer may demand the name and address of the person and an explanation of his actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.

B. When a peace officer has stopped a person for temporary questioning pursuant to Subsection (A) and the officer reasonable suspects that he or another officer is in danger of attack, he may search the person for weapons. If an officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall return the weapon, if lawfully possessed, or arrest the person so questioned.

16.1706. GANG SIGNS PROHIBITED. It shall be a violation of this Ordinance for any person to display, demonstrate, or "throw" a gang sign in any public place within the Village.

16.1707. LOITERING FOR THE PURPOSE OF CAUSING STREET GANG ACTIVITY OR RECRUITMENT IS PROHIBITED.

A. DEFINITIONS:

(1). "Gang" or "Street Gang" means any combination, confederation, alliance, or understanding in law or in fact, that through its members or through the agency of any member and at the direction, order or request of any member who is a leader or other authority, engages in a course or pattern of criminal activity.

(2). "Course or pattern of criminal activity" means Two or mor gang-related criminal offenses when:

A. One or more of the offenses was committed after the effective date of this Ordinance and;

B. The offenses were committed within Five (5) Years of

each other and;

C. At least One offense involved the solicitation to commit, conspiracy to commit, or commission of any offense defined as a felony or forcible felony under the Illinois Criminal Code.

(3). "Gang-related Activities" means those activities which are conducted with the intent to increase the gang's size or dominance, or with the intent to provide the gang with an advantage in the criminal market sector, or with the intent to otherwise directly or indirectly cause any benefit or gain to or for the gang.

B. It shall be unlawful for any person to loiter, wander stand, or remain idle whether alone and/or in consort with others in a public place with the purpose of recruiting others for membership in a street gang or for participation in gang-related activities.

C. The penalty for violation of this Section herein above shall be a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500).

16.1708. MAINTAINING PUBLIC NUISANCE.

A. Any building or dwelling used in the commission of offense or used in the Commission of an inchoate offense relative to any of the aforesaid principal offenses, or used to engage in gang related activities within the meaning of Section 6 above is a public nuisance.

B. **Penalty:** Any person violation this Section herein above shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). Furthermore, if said person is not the owner of the building being used for gang-related activity, the Court may order then offender to pay restitution to the owner for the costs of any damage caused by such gang-related activity, unless the owner knew or should have known that such activity was taking place and negligently or willfully failed to notify the Village of the occurrence of such activities.

C. ABATEMENT:

(1). The Village of Caledonia may after 30 Days and within 90 Days of giving the Attorney General and the State's Attorney of Boone County written notice by certified or registered mail of the fact that a public nuisance as described in this Section exists,

commence an action to abate said nuisance in accordance with the procedures delineated below provided that the Attorney General or the State's Attorney of Boone County has not already commenced a similar action.

(2). The Village of Caledonia may commence an action to abate the public nuisance in the Circuit Court of Boone County. Upon being satisfied by affidavits or other sworn evidence that an alleged public nuisance exists the Court may without notice or bond enter a temporary restraining order or preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an other restraining any defendant from removing or interfering with all property used in connection with the public nuisance. If during the proceedings or hearings upon the merits, which shall be in the manner of the "Controlled Substance and Cannabis Nuisance Act" (740 ILCS 40/0.01 et. Seq. 1992) the existence of the nuisance is established and it is found that such nuisance was maintained with the intentional, knowing, or reckless permission of the owner or agent of the owner managing the building, the court shall enter an order restraining all persons from maintaining or allowing such nuisance for a period Six (6) Months thereafter, except that an owner, lessee or other occupant thereof may use such place if the owner shall give bond with sufficient security or surety approved by the court, in an amount between One Thousand Dollars (\$1,000) and Five Thousand Dollars (\$5,000) inclusive, payable to the Village of Caledonia, and including a condition that no offense specified in Subsection (A) above shall be committed at, in or upon the property described and a condition that the principal obligor and surety assume responsibility for any fine, costs or damages resulting from such an offense thereafter.

16.1709. LOITERING FOR THE PURPOSE OF ILLEGALLY USING, POSSESSING OR SELLING CANNABIS OR CONTROLLED SUBSTANCES.

A. It shall be a violation of this Ordinance for a person to loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring or selling any cannabis or controlled substance. Among the circumstances which may be considered in determining whether such a purpose is manifested are:

(1). The person is known illegal user, possessor, or seller of cannabis or controlled substance, or the person is loitering in a place frequented by persons who are known to illegally use, possess, transfer, or sell cannabis or controlled substances and;

(2). The person repeatedly attempts to stop or engage in conversation with passerby, whether such passerby are on foot or in a motor vehicle or other form of transportation, for the purposes of inducing, enticing, soliciting, or procuring another to illegally possess, transfer, or buy any cannabis or controlled substances or;

(3). The person repeatedly passes to or receives from passerby, whether such passerby are on foot or in a motor vehicle or other form of transportation, money, objects or written material for the purposes of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any cannabis or a controlled substance.

B. A person shall not have violated this Ordinance unless he demonstrates expressly or implicitly a specific intent to induce, entice, solicit, or procure another to illegally possess, transfer or buy cannabis or a controlled substance.

C. A peace officer may not arrest a person for violation of this Ordinance unless the peace officer first offers the person an opportunity to explain his conduct.

D. For the purpose of this Section, a "Known illegal user, possessor, or seller of controlled substances" is a person who, within One (1) Year previous to the date of arrest for violation of the Section, has within the knowledge of the arresting officer been convicted of illegally manufacturing, using, possessing, selling, purchasing, or delivering any controlled substance.

E. Any person found to have violated any provision of this Section shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) for each offense.

16.1710 TRUANCY PROHIBITED.

A. It shall be a violation of this Ordinance for any person under the age of Eighteen (18) Years of age who is enrolled in a public, private, or parochial school to absent himself from attendance at such school without the permission of his legal guardian(s) or parent(s). Any person who shall so absent himself shall be guilty of the offense of truancy and be subject to the penalties set forth below. Emergency of unforeseen absences due to illness or other reasonable cause beyond the control of the person so absenting himself from school without the permission of his parent(s) or legal guardian(s) shall not constitute truancy if such permission is obtained from said parent(s) or legal guardian(s) and submitted in writing to the proper school authorities within Twenty-Four (24) Hours of such absence.

B. PROCEDURE: INITIAL CONTACT AND DOCUMENTATION:

upon encountering a school-aged individual outside of school during school hours, a police officer or truant officer shall:

(1). Question such individual in order to determine whether the individual has violated this Ordinance and verify truancy with the school via radio, telephone, or personal visit and;

(2). Upon reasonably ascertaining that such individual has violated this Ordinance, seize the individual and return him to the proper authority at the school and;

(3). Complete a truancy report containing the following information: full name, date of birth, address, telephone number, parent or guardian's name, work place telephone number, and school attended and;

(4). Forward a copy of the report to juvenile investigations and the truant officer of Boone County.

A juvenile officer shall renew the report and complete or update an applicable juvenile contact card. Further, a school representative or county truant officer may file a report of truancy directly with a juvenile officer in cases of frequent truancy that is not documented by police reports.

C. PROCEDURE: CHRONIC TRUANTS: A chronic truant, hereinafter defined as an individual who has violated this Ordinance Three (3) Times in One (1) Year or has otherwise been shown to have absented himself from school Three (3) Times in One (1) Year, shall submit to a student and parent conference with either a juvenile officer,

county truant officer or school representative at the request of same. The following disposition or "staffing" may result:

(1). The Court shall consider the following as possible dispositions of a chronic truancy case:

A. Adult supervision for One (1) Year or for the balance of the school year in which the offense was committed.

B. Suspension of driver's license where applicable.

C. Community service work.

D. Fines of One Hundred Fifty Dollars (\$150) to Five Hundred Dollars (\$500), which may be waived upon the successful completion of the school year without unexplained absence.

E. Referral to specific agencies available to address specific problems.

16.1711. DISORDERLY CONDUCT.

A. It shall be a violation of this Ordinance for a person to do any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

16.1712. PENALTY.

A. The penalty for violation of Subsection (A) herein above shall be a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500).

16.1713. MOB ACTION.

A. It shall be a violation of this Ordinance for Two (2) or more persons acting together and without authority of law to assemble for the purpose of committing an unlawful act.

16.1714. PENALTY.

A. The penalty for violation of Subsection (A) herein above shall be a fine not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500).

ARTICLE XVIII. STATE GIFT BAN

ACT. 16.1801. ADOPTION OF ACT.

A. The State Gift Ban Act (5 ILCS 425 et seq.) Is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).

B. The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village of Caledonia.

16.1802. ETHICS OFFICER. To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Village President shall appoint a person to serve as the Ethics Officer of the Village of Caledonia. The Ethics Officer's duties shall be as provided in Section 35.

16.1803. STATE LEGISLATIVE ETHICS COMMISSION: COMPLAINTS. All complaints for violations of the Act and this Ordinance shall be file with the State Legislative Ethics Commission (created by Section 45 (a)(6) of the Act).

16.1804. EXISTING ETHICS ORDINANCE OR GIFT BAN ORDINANCE. This Ordinance does not repeal or otherwise amend or modify Section 21.106 of the Code, which regulates the conduct of Village Officials and Employees. To the extent that Section 21.106 is less restrictive that the State Gift Ban Act and this Ordinance, then the provisions and this Ordinance shall prevail in accordance with the provisions of Section 95 of the Act (5 ILCS 425/95).

16.1805. FUTURE AMENDMENTS TO STATE GIFT BAN ACT. Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) That becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the Corporation authorities of the Village of Caledonia.

16.1806. FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

A. If the Illinois Supreme Court declared the State Gift Ban Act (5 ILCS 425/1 et seq.) Unconstitutional in it entirety, then

this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Ordinance shall be deemed repealed without further action by the Corporate authorities of the Village of Caledonia if the Act is found unconstitutional by the Illinois Supreme Court.

B. If the Illinois Supreme Court declared part of the State Gift Ban Act (5 ILCS 425/1 et seq.) Unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act, as adopted by this Ordinance, shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village of Caledonia.

CHAPTER XVII.

MESSAGE PARLORS

ARTICLE I. REGULATIONS.

17.101. DEFINITIONS. For the purpose of this Article the following words and phrases shall have the meanings respectively ascribed to them by this Section.

A. "MESSAGE". Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, power, creams, lotions, ointments or other similar preparations commonly used in this practice.

B. "MESSAGE ESTABLISHMENT". Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentions in Section 17.101 A. Of this Section.

C. "MASSEUR OR MASSEUSE". Any person, including a trainee, who, for any consideration whatsoever, engages in the practice of massage as herein defined.

D. "PUBLIC BATH HOUSE". Any place, including a private club or organization, wherein any person, firm, association, corporation or partnership engages in, conducts or carries on or permits to be engaged in, conducted or carried on, the business of giving or furnishing Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fermentation or electric baths or baths of any kind whatever, excluding ordinary tub baths where an attendant is not required.

E. "PERSON". Any individual, copartnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

F. "EMPLOYEE". Any and all persons, other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with the customers or clients.

G. "SEXUAL OR GENITAL AREA". Shall include the genitals, pubic area, buttocks, anus, or perineum of any person, of the vulva or breasts of a female.

H. "RECOGNIZED SCHOOL". Any State of Illinois licensed school or equivalent school or institution which has for its purpose the teaching of the theory, method, profession, or work of massage,

which school requires a course of study not less than Seventy (70) Hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

I. "LICENSE". The operator of a massage establishment.

J. "BONA FIDE NON-PROFIT CLUB". Any fraternal, charitable, religious, benevolent or any other non-profit organization having a regular membership association primarily for mutual, social, mental, political and civic welfare, to which admission is limited to the members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent or non-profit organization.

K. "BUILDING INSPECTOR". The person or persons authorized by the Village Board of Trustees to inspect property for conformance with Building Codes.

17.102. LICENSE. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Caledonia, the operation of a massage establishment as herein defined, without first having obtained a license from the Liquor Commissioner.

17.103. FILING/FEE PROVISION. Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application with the Village Clerk upon a form provided by said Village Clerk and pay a filing fee of Fifty Dollars (\$50), which shall not be refundable.

17.104. APPLICATION/MESSAGE ESTABLISHMENT. The application for a license to operate a massage establishment shall set forth the exact nature of the massage to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, an applicant for a license shall furnish the following information:

A. The Two (2) previous addresses immediately prior to the present address of the applicant.

B. Written proof that the applicant is at least Eighteen (18) Years of age.

C. Applicant's height, weight, color of eyes and hair.

D. Two (2) portrait photographs at least Two Inches by Two Inches (2" x 2").

E. Business, occupation, or employment of the applicant for the Three (3) Years immediately preceding the date of application.

F. The massage or similar business license history of the applicant, whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action or suspension or revocation.

G. All criminal convictions except minor traffic violations.

H. Applicant must furnish a diploma or certificate or graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant will have no physical contact with the customer or clients he need not possess such diploma or certificate or graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught.

I. Such other identification and information necessary to discover the truth of the matter hereinbefore specified as required to be set forth in the application.

J. Nothing contained herein shall be construed to deny to the Liquor commissioner the right to require the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Liquor Commissioner to confirm the height and weight of the applicant.

K. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding stock of the corporation. If the applicant is a partnership, the applicant shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply.

17.105. CORPORATE APPLICANT/EXEMPTION. The provisions of Section 17.104, A, B, C, D, and G entitled "Application for massage establishment" relating to requirements for corporate applicants shall not apply to any of the following:

A. A corporation, the stock of which is listed on a stock exchange in the State of Illinois or the City of New York, State of New York.

B. A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity.

C. A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

17.106. MASSEUR/MASSEUSE LICENSE. It shall be unlawful for any person to engage in the practice of massage as herein defined, in or upon any premises in the Village, without first having obtained a license from the Liquor Commissioner. Any person who engages in the practice of massage as herein defined shall file an application with the Village Clerk upon as form provided by said Village Clerk and shall pay a filing fee of Twenty-Five Dollars (\$25) which shall not be refundable.

17.107. OPERATOR OF MASSAGE ESTABLISHMENT/EXCEPTION. A diploma from a recognized school as defined herein will not be required of the operator of a massage establishment or for any employee where such operator or employee does not give a massage as defined herein.

17.108. APPLICATION FORM/MASSEUR OR MASSEUSE. The application for a masseur or masseuse license shall be completed by the applicant and shall contain the following:

- A. Name and residence address.
- B. 'Social Security Number and Driver's License Number, if any.
- C. Applicant's weight, height, color of hair and eyes.
- D. Written evidence that the applicant is at least Eighteen (18) Years of age.
- E. Business, occupation or employment of the applicant for the Three (3) Years immediately preceding the date of application.
- F. Whether such person has ever been convicted of any crime, except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained and the sentence imposed as a result of such conviction.
- G. The name and address of the recognized school attended, the date attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than Seventy (70) Hours of instruction.

17.109. FACILITIES NECESSARY. No license to conduct a massage establishment shall be issued unless an inspection by the Building Inspector reveals that the establishment complies with each of the following minimum requirements:

- A. Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with applicable

building code. Plumbing fixtures shall be installed in accordance with applicable plumbing code.

(1). For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least Six Inches (6"). The wall of all toilet rooms and rooms containing bathtubs shall be finished to a height of Six Feet (6') with a smooth, non-absorbent finish surface of cement, tile, or similar material.

(2). Steam rooms and shower compartments shall have waterproof floors, wall and ceilings approved by the Building Inspector.

(3). Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. **(EXCEPTION:** Dry heat rooms with wooden floors need not be provided with pitched floors and floor drain.)

(4). A source of hot water must be available within the immediately vicinity of dry and wet heat rooms to facilitate cleaning.

B. Toilet facilities shall be provided in convenient locations. When Five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closed per sex shall be provided for each Twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. All toilet rooms shall be quipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

C. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or was basins shall be provided with soap a dispenser and with sanitary towels or hot air dryers.

D. All portions of massage establishments and bath shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than One-Eighth ($\frac{1}{8}$) of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilating system. When windows or skylights are used for ventilation, at least One-Half () of the total required window area shall be operable.

To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons' use not served directly by a required window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed Seventy-Five Percent (75%) of the floor-to-ceiling height of the area in which they are located.

E. All electrical equipment shall be installed in accordance with the requirements of applicable electrical code.

17.110. OPERATING REQUIREMENTS.

A. Every portion of a massage establishment, including appliances, apparatus, and personnel shall be kept clean and appliances and apparatus shall be operated in a sanitary condition.

B. All employees shall be clean and shall wear suitable clean outer garments whose use is restricted to the massage establishment. Provision of a separate dressing room for each sex must be available on the premises with individual lockers available for each employee and for each customer. Said lockers shall be equipped with a key lock or number combination locking device. Doors to such dressing rooms shall open inward and shall be self-closing.

C. All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner. No towels or sheets shall be laundered or dried in any massage establishment unless such establishment is provided with automatic laundry facilities for such laundry and drying. Covered receptacles shall be provided for the storage of soiled linens and paper towels.

D. Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

E. If the massage establishment is in any building used for residential or sleeping purposes, any room in which the services enumerated in Section 17.101(A.) Herein are provided, is to be used for massage and shall not be used for residential or sleeping purposes; provided, however, that the Health Department may allow such room to be used for residential or sleeping purposes if it finds that the health and safety of the patrons of such establishment will not be jeopardize.

F. Advertising. No massage establishment granted a license under provisions of the Section shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in Section 17.101(A.) Of this Article, nor shall any massage establishment indicate in the text of such advertising that any service is available other than those as described in Section 17.101(A.) Of this Article.

G. No service enumerated in Section 17.101(A.) Of the Article may be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked.

H. Sexual or genital area of patrons must be covered by towels, clothes or undergarments when in the presence of an employee, masseur or masseuse.

17.111. VERIFICATION OF APPLICATION. Every application for a license under this Article shall be verified as provided in the Illinois Civil Practice Act for the verification of pleadings.

17.112. ISSUANCE OF LICENSE/ESTABLISHMENT. The Liquor Commissioner shall issue a license within Fourteen (14) Days following the completed application therefor unless the Liquor commissioner finds:

A. That operation as proposed by the applicant if permitted would not comply with the Building, Health, Village Planning, Housing and Fire Codes of the Village.

B. That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of any of the following offenses or convicted of an offense outside of the State of Illinois that would have constituted any of the following offenses if committed within the State of Illinois:

(1). An offense involving the use of force and violence upon the person of another that amounts to a felony.

The Liquor Commissioner may issue a permit to any person convicted of any of the crimes described in sub-section B(1) of this Section if the Liquor Commissioner finds that such conviction occurred at least Five (5) Years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

C. That the applicant for a massage parlor license, is previously conducting a massage establishment within a Municipality, engaged in, or any of the applicant's employed masseurs or masseuses engaged in, any of the unlawful activities set forth in Section 17.122 of this Article, Regulating Massage Parlors, Masseurs and Masseuses.

D. That the applicant for a license as a masseur or masseuse, if previously so engaged within a municipality, engaged in any of the unlawful activities set forth in Section 17.122 of this Article Regulating Massage Parlors, Masseurs and Masseuses.

17.113. OPERATOR TO MAINTAIN REGISTER OF EMPLOYEES. The operator of a massage establishment must maintain a register of all persons employed as masseurs or masseuses and their permit numbers. Such register shall be available for inspection at all times during regular business hours.

17.114. REVOCATION OR SUSPENSION OF LICENSE. Any license issued for a massage establishment may be revoked or suspended by the Liquor Commissioner, after a hearing, for good cause, or in any case where any of the provisions of the Article are violated or where any employee of the permittee, including a masseur or masseuse, is engaged in any conduct which violates any State or local laws or Ordinances at permittee's place of business and the permittee has actual or constructive knowledge of such violations or the permittee shall have actual or constructive knowledge by due diligence, or in any case, where the permittee or licensee refuses to permit any Boone County Sheriff's Deputy to inspect the premises or the operations therein, after a hearing before the Liquor Commission, after Seven (7) Days notice in writing of the time, date and place of said hearing has been mailed to the licensee wherein said causes for revocation or suspension have been found to exist.

17.115. REVOCATION OF MASSEUR OR MASSEUSE PERMIT. A masseur or masseuse permit issued by the Liquor Commissioner to any employee may be revoked or suspended after a public hearing before the Liquor Commission, after Seven (7) Days notice in writing of the time, date and place of said hearing has been mailed to the permittee, on any of the following grounds.

A. Violation of any of the provisions of the Article.

B. Violation of any Section of Article II. Entitled "Sex Offenses" of the Illinois Revised Statutes, 1979.

17.116. EMPLOYMENT/UNDER EIGHTEEN PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least Eighteen (18) Years of age.

17.117. SALE OR TRANSFER. Upon sale, transfer or relocation of a massage establishment, the permit and license therefor shall be null and void; provided, however, that upon the death or incapacity of the licensee the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

17.118. NAME & PLACE OF BUSINESS/CHANGE OF LOCATION. No person granted a license pursuant to this Article shall operate under any name or conduct his business under any designation for any location not specified in his permit.

17.119. DISPLAY OF PERMIT. Every person to whom or for whom a permit shall have been granted pursuant to the provisions of this Article shall display said permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.

17.120. INSPECTION. The Boone County Sheriff's Police in accord with the Village shall upon probable cause to believe that a provision of this Article has been violated make an inspection of

any massage establishment in the Village of Caledonia.

17.121. LICENSE FEES. Every licensee who conducts or assists in conducting or permitting any massage establishment as defined herein shall pay to the Village Clerk a license fee of Two Hundred Dollars (\$200) annually, payable in advance.

The license fee prescribed in the Section is due and payable upon receipt of the license and on the anniversary date each year thereafter.

17.122. UNLAWFUL ACTIVITIES. It shall be unlawful for any person to massage any other person or give or administer any of the other things mentioned in this Article which violate the provisions of this Article or which violate and Municipal or State Law or Ordinance, including any offense as set forth in Article II entitled "Sex Offenses" of Chapter 38, Illinois Revised Statutes, 1979. It shall be unlawful for any person, knowingly, in a massage establishment, to place his or her hand upon, to touch with any part of his or her body, to fondly in any manner, or to massage, a sexual or genital area of any person. It shall be unlawful for any masseur or masseuse, employee or operator to perform, offer or agree to perform an act which would require the touching of the patron's genital area.

17.123. EMPLOYMENT/MASSEURS AND MASSEUSES. It shall be the responsibility of the licensee for the massage establishment or the employer of any persons purporting to act as masseurs and masseuses, to insure that each person employed as a masseur or masseuse shall first have obtained a valid license pursuant to this Article.

17.124. EXCEPTIONS. This Article shall not include hospitals, nursing homes, sanitariums, or persons holding an un-revoked certificate to practice the healing arts and under the laws of the State of Illinois, or persons working under the direction of any such persons or in any such establishments, nor shall this Article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding registration issued by the State of Illinois. This Article shall not apply to a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Illinois, or to a licensed nurse acting under the direct prescription and direction of any physician, surgeon, chiropractor osteopath licensed by the State of Illinois.

17.125. VIOLATION/PENALTY.

A. Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, or acting as a masseur or masseuse, who gives massages or conducts a massage establishment or who in conjunction with the massage establishment gives or administers, or practices the giving or administering of a

massage without first obtaining a license and paying a license fee to do so from the Village of Caledonia, or shall violate any of the provisions of this Article, shall be subject to a fine of not less than Two Hundred fifty Dollars (\$250) nor more than Five Hundred Dollars (\$500).

B. Any owner, operator, manager or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a masseur or masseuse, as defined in this Article, who is not in possession of a valid, un-revoked permit or who allows such a masseur or masseuse to perform, operate or practice within such a place of business shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250) nor more than Five Hundred Dollars (\$500).

17.126. SEVERABILITY. If any Section, Subsection, Subdivision, Paragraph, Sentence, Clause or Phrase in this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof.

17.127. EFFECTIVENESS CLAUSE. This Article shall be in full force and effect Thirty Days after passage, approval and publication in pamphlet form as provided by law with the following exceptions:

A. Any massage establishment as defined hereunder in operation as of the effective date of this Article shall not have to comply with Sections 17.104(H.) And 17.108(G.) Within Thirty Days from the passage, approval and publication of this Article. Rather, with a certified list of all currently employed masseurs and masseuses. The masseurs and masseuses on said certified list must comply with Sections 17.104(H.) And 17.108(G.) On or before August 1,2003. Any masseur or masseuse employed by a massage establishment as defined herein whose name does not appear on said certified list of currently employed masseurs and masseuses on the effective day of this Article must comply with Sections 17.104(H.) And 17.108(G.) Immediately or be in violation of said Article.

B. Any massage establishment as defined hereunder in operation as of the effective date of this Article shall have Ninety (90) Days after the passage of the Article to comply with the provisions of Section 17.109. Of this Article.

CHAPTER XVIII.

BRANDING, BODY CARVING, BODY PIERCING AND TATTOOING

ARTICLE I. REGULATIONS.

18.101. DEFINITIONS. For the purpose of this Article the following work and phrases shall have the meanings respectively ascribed them by this Section.

A. "BRANDING" means any method of placing designs, letter, scrolls, figures, symbols or any other marks upon or under the skin by aid of heating instruments comprised of metal or other material(s).

B. "BODY CARVING" means any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with the use of, but not limited to, knives, wires, scalpels or any other material used in surgical and anatomical operations and dissections.

C. "BODY PIERCING" means making a hole in a part of the human body, except for ears, for the purpose of inserting and affixing an artificial object but not for the purpose of providing health related care or treatment by a health provider duly licensed by the State of Illinois.

D. "EMPLOYEE" means any and all persons, other than the tattoo artists, who render any service to the permittee, who receives compensation directly from the licensee, and who have no physical contact with the customers or clients.

E. "LICENSEE" means the operator of a tattoo establishment.

F. "PERSON" means any individual, copartnership, firm, association, Joint Stock Company, corporation or combination of individuals of whatever form or character.

G. "TATTOO" means any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

H. "TATTOO ARTIST" means an individual who performs branding, body carvings, body piercing or applies tattoos.

I. "TATTOO ESTABLISHMENT" means any establishment having a

fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on branding, body carving, body piercing or tattooing.

18.102. LICENSE. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premise in the Village of Caledonia, the operation of a tattoo establishment as herein defined, without first having obtained a license from the Village.

18.103. FILING/FEE PROVISION. Every applicant for a license to maintain, operate or conduct a tattoo establishment shall file an application with the Village Clerk upon a form provided by the Village Clerk and pay a filing fee of Fifty Dollars (\$50), which, shall not be refundable.

18.104. APPLICATION/TATTOO ESTABLISHMENT. The application for a license to operate a tattoo establishment shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, any applicant for a license shall furnish the following information:

- A.** The Two (2) previous addresses immediately prior to the present address of the applicant.
- B.** Written proof that the applicant is at least Eighteen (18) Years of age.
- C.** Applicant's height, weight, color of eyes and hair.
- D.** Two (2) portrait photographs at least Two Inches by Two Inches (2" x 2").
- E.** Business, occupation, or employment of the applicant for the Three (3) Years immediately preceding the date of application.
- F.** The tattoo or similar business license history of the applicant, whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- G.** All criminal convictions except minor traffic violations.

H. Such other identification and information necessary to discover the truth of the matters herein before specified as required to be set forth in the application.

I. Nothing contained herein shall be construed to deny the Village Clerk the right to require the fingerprints and additional photographs of the applicant, not shall anything contained herein be construed to deny the right of the Village Clerk to confirm the height and weight of the applicant.

J. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Article of incorporation together with the names and residence addresses of each of the officers, directors and each stockholder holding stock of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provision of this section pertaining to a corporate applicant apply.

18.105. CORPORATE APPLICANT/EXEMPTION. The provisions of Section 18 A, B, C, D, G entitle "Application for tattoo establishment" relating to requirements for corporate applicants shall not apply to any of the following:

A. A corporation, the stock of which is listed on a stock exchange in the State of Illinois or the City of New York, State of New York.

B. A bank, trust company, financial institution or title company to which Application is made or to whom a license is issued in a fiduciary capacity.

C. A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

18.106. TATTOO ARTIST LICENSE. It shall be unlawful for any person to engage in the practice of branding, body carving, body piercing or tattooing as herein defined, in or upon any premise in the Village, without first having obtained a license from the Village of Caledonia. Any person who engages in the practice of branding, body carving, body piercing or tattooing as herein defined, shall file an application with the Village Clerk upon a form provided by the Village Clerk and shall pay a filing fee of Twenty-Five Dollars (\$25), which shall not be refundable.

18.107. APPLICATION FORM TATTOO ARTIST. The application for a tattoo artist license shall be completed by the applicant and shall contain the following:

- A.** Name and residence address.
- B.** Social Security number and driver's license number, if any.
- C.** Applicant's weight, height, color of eyes and hair.
- D.** Written evidence that the applicant is at least Eighteen (18) Years of age.
- E.** Business, occupation or employment of the applicant for the Three (3) Years immediately preceding the date of application.
- F.** Whether such person has ever been convicted of any crime, except misdemeanor traffic violations. If any person mentioned in this subsection had been so convicted, a statement must be made giving the place and court in which such conviction was obtained and the sentence imposed as a result of such conviction.

18.108. ZONING REQUIRED. No license to conduct a tattoo establishment shall be issued unless complying with the Village Zoning Code and the following restrictions:

A. A tattoo establishment may not be operated within One Thousand Feet (1,000') of the following previously established uses:

- (1).** A church, synagogue or regular place of worship.
- (2).** A public or private elementary or secondary school.
- (3).** Any residential property legally used or zoned for residential purposes.
- (4).** A public park.
- (5).** A day care facility.
- (6).** Another tattoo establishment.

B. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from nearest portion of the building or structure used as a part of the premises where a tattoo establishment is located, to the nearest property line of a church, school, park, residential use or other tattoo establishment, or the nearest boundary of a residential zoning district.

C. Nothing in this Section shall be interpreted to authorize or permit any activity or conduct prohibited by any local, State or Federal law.

18.109. REQUIRED INSPECTIONS. No license to conduct a tattoo establishment shall be issued prior to the following inspections.

A. An inspection by the Village Building Inspector for the purpose of assuring that the establishment complies with the minimum requirements of the Building Codes for the Village of Caledonia.

B. An inspection by the Boone County Health Department for the purpose of assuring that the premises comply with all the sanitation requirements set forth in this Article and with the regulations of public health, safety and welfare.

18.110. HEALTH AND SANITARY REQUIREMENTS. Any individual or establishment engaging in the practice of branding, body carving, body piercing or tattooing as herein defined shall comply with the following requirements.

A. The entire premises of the facility and all equipment shall be maintained in a good repair, clean, sanitary condition and shall be kept in full compliance with all applicable Village Ordinances and State Statutes including, but not limited to, the health codes, zoning codes and building codes.

B. Any individual of establishment desiring to engage in the practice of branding, body carving, body piercing or tattooing shall first inquire as to whether or not the potential recipient of the procedures is under the influence of intoxicating substances. Any individual who appears to be or admits to being under the influence of intoxicating substances shall not receive a branding, body carving, body piercing or tattoo.

C. Any individual or establishment desiring to engage in the practice of branding, body carving, body piercing or tattooing shall first inquire as to whether or not the potential recipient to the procedure has a history of any communicable disease. Any individual providing a history of a communicable disease shall not

receive a branding, body carving, body piercing or tattoo.

D. Any individual or establishment desiring to engage in the practice of branding, body carving, body piercing or tattooing procedure in written form or through a conspicuously posted sign the following:

- (1). The nature of the procedure to be conducted.
- (2). Possible tissue reactions following the procedures.
- (3). Importance of after procedure care.
- (4). The permanent nature of the application.

E. Any individual of establishment who performs a branding, body carving, body piercing or tattooing procedure shall maintain proper records of each client. The records shall include the following:

- (1). The date of which the procedure was performed.
- (2). The name, address, phone number and age of the client.
- (3). The name, address, phone number and age of the individual performing the procedure.
- (4). A description of the procedure.
- (5). The signature of the client.

F. The information required in subsection (E) shall be permanently recorded and made available for examination and shall be kept by the individual or establishment for at least Two (2) Years.

G. Used tattoo needles and other infectious waste shall be stored, treated and disposed of in accordance with the provisions of the State and Federal regulations concerning the management and disposal of infectious waste.

18.111. VERIFICATION OR APPLICATION. Every application for a license under this Article shall be verified as provided in the Illinois Civil Practice Act for the verification of pleadings.

18.112. ISSUANCE OF TATTOO ESTABLISHMENTS LICENSE. The Village Clerk shall issue a license within Fourteen (14) Days following the

completed required inspections and completed application unless the Village Clerk finds:

A. That the operation as proposed by the applicant, if permitted, would not comply with the Zoning, Building, Health and Fire Codes of the Village.

B. That the applicant and any other person who will be directly engaged in the management and operation of a tattoo establishment has been convicted of any of the following offenses or the convicted of an offense outside of the State of Illinois that would have constituted any or the following offenses if committed within the State of Illinois.

(1). An offense involving the use of force and violation upon the person of another that amounts to a felony.

The Village Clerk may issue a permit to any person convicted of any of the crimes described in subsection B(1) of this Section if the Village Clerk finds that such conviction occurred at least Five (5) Years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

18.113. ISSUANCE OF TATTOO ARTIST LICENSE. The Village Clerk shall issue a license within Fourteen (14) Days following the completed application unless the Village Clerk finds:

A. That the applicant is not at least Eighteen (18) years of age.

B. That the applicant has been convicted of any of the following offenses or convicted of an offense outside of the State of Illinois that would have constituted any of the following offenses if committed within the State of Illinois:

(1). An offense involving the use of force and violence upon the person or another that amounts to a felony.

The Village Clerk may issue a permit to any person convicted of any of the crimes described in subsection B(1) of this Section if the Village Clerk finds that such conviction occurred at least Five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in the Section.

18 114. OPERATOR TO MAINTAIN REGISTER OF EMPLOYEES. The operator of a tattoo establishment must maintain a register of all persons employed as tattoo artists and their license numbers. Such register shall be available for inspection at all times during regular business hours.

18.115. REVOCATION OR SUSPENSION OF TATTOO ESTABLISHMENT LICENSE. In any case where any of the provisions of this Article are violated or where any employee of the licensee, including a tattoo artist, is engaged in any conduct which violates any State or local laws or Ordinances at licensee's place of business and the licensee has actual or constructive knowledge of such violations or the licensee has actual or constructive knowledge by due diligence, or in any case, where the licensee, tattoo artist, or any other employee refuses to permit any duly authorized personnel of the Village to inspect the premises or the operations therein, the tattoo establishment license shall be suspended automatically by the Village Clerk.

The Village Clerk shall notify the licensee within Seven (7) Days in writing of said causes for automatic suspension. The Boone County Health Department shall hold a public hearing within Forty-Five (45) Days and if not satisfied that the provisions of this Article is being complied with, may revoke, suspend or take such action as may be necessary to ensure compliance with this Article. The Village Clerk shall notice the licensee in writing of the time, date and place of said hearing at least Seven (7) Days prior to the date of said hearing.

Within Five (5) Days following the date of a decision of Boone County Health Department, the Village Clerk shall transmit to the Village Board written notice of the decision. The decision shall become final Ten (10) Days following the date on which the tattoo establishment license was revoked or on the day following the next meeting of the Village Board whichever is later, unless an appeal has been taken to the Village Board or unless the Village Board shall elect to review the decision of the Boone County Health Department.

18.116. REVOCATION OR SUSPENSION OF TATTOO ARTIST LICENSE. A tattoo artist license issued by the Village of Caledonia may be automatically suspended by the Village Clerk for violation of any of the provisions of the Article including any of the following:

A. Unfitness or incompetence by reason of negligence, habits or other causes regardless of whether actual damage to the public is established.

B. Habitual intemperance, addiction or dependency on alcohol or other habit forming substances.

C. Mental incompetence resulting in an inability to practice as a tattoo artist.

D. Submitting to or filing with the Village any application, notice, statement or other document containing false information when procuring or attempting to procure a tattoo artist license.

E. Using the title "licensed tattoo artist" or any designation tending to imply that the person is a licensed tattoo artist when the person is not licensed or the person's license has been suspended or revoked.

F. Violation conditions or limitations of a tattoo artist license.

G. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm any individual of the public in the course of providing professional services or activities.

H. Having disciplinary action concerning the practice of a tattoo artist as defined in this Article taken against the tattoo artist in another state.

I. Knowingly aiding or abetting an unlicensed person, conspiring with an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as the agent or associate of an unlicensed person in order to enable the unlicensed person to evade the requirements of this Article.

J. Engaging in false or misleading advertising.

K. Engaging in sexual conduct in connection with professional services or activities.

The Village Clerk shall notify the tattoo artist within Seven (7) Days in writing of said causes for automatic suspension. The Boone County Health Department shall hold a public hearing within Forty-Five (45) Days and if not satisfied that the provisions of this Article is being complied with, may revoke, suspend or take such action as may be necessary to ensure compliance with this Article. The Village Clerk shall notify the tattoo artist in writing of the time, date and place of said hearing at least Seven (7) Days prior to the date of said hearing.

Within Five (5) Days following the date of a decision of the Boone County Health Department the Village Clerk shall transmit to the Village Board written notice of the decision. The decision shall become final Ten (10) Days following the date on which the tattoo artist's license was revoked or on the next day following the next meeting of the Village Board of unless the Village Board shall elect to review the decision of the Boone County Health Department.

18.117. EMPLOYMENT UNDER EIGHTEEN (18) PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo establishment to employ any person who is not at least Eighteen (18) Years of age.

18.118. SALE OR TRANSFER. Upon sale, transfer or relocation of a tattoo establishment the license therefor shall be null and void, provided, however, that upon the death or incapacity of the license the tattoo establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

18.119. NAME AND PLACE OF BUSINESS/CHANGE OF LOCATION. No person granted a license pursuant to this Article shall operate under any name or conduct his business under any designation for any location not specified in his permit.

18.120. DISPLAY OF LICENSE. Every person to whom or for whom a license shall have been granted pursuant to the provisions of this Article shall display said license in a conspicuous place within the tattoo establishment so that the same may be readily seen by persons entering the premises.

18.121. INSPECTION. The Boone County Sheriff's Police, or any duly authorized personnel of the Village shall upon probable cause to believe that a provision of this Article has been violated shall make an inspection of any tattoo establishment in the Village of Caledonia.

18.122. TATTOO ESTABLISHMENT LICENSE FEES. Every licensee who conducts or assists in conducting or permitting any tattoo establishment as defined herein shall pay to the Village Clerk a license fee of Two Hundred Dollars (\$200) annually, payable in advance.

18.123. TATTOO ARTIST LICENSEE FEES. Every tattoo artist as defined herein shall pay to the Village Clerk a license fee of One Hundred Dollars (\$100) annually, payable in advance.

The license fee prescribed in this Section is due and payable upon receipt of the license and on the anniversary date each year thereafter.

18.124. EMPLOYMENT TATTOO ARTIST. It shall be the responsibility of the licensee for the tattoo establishment of the employer of any persons purporting to act as tattoo artists shall first have obtained a valid license pursuant to this Article.

18.125. EXCEPTIONS. This Article shall not include hospital's nursing homes, sanitariums or persons holding an un-revoked certificate to practice the healing arts and under the laws of the State of Illinois, or persons working under the direction of any such persons or in any such establishment. This Article shall not apply to health care providers duly licensed by the State of Illinois providing health-related care or treatment.

18.126. VIOLATION/PENALTY.

A. Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, or acting as a tattoo artist, who engages in the practice of branding, body carving, body piercing or tattooing or conducts a tattoo establishment or who in conjunction with the tattoo establishment engages in the practice or branding, body carving, body piercing or tattooing without first obtaining a license and paying a license fee to do so from the Village of Caledonia, or shall violate any provisions of this Article, shall be subject to a fine of not less than Five Hundred Dollars (\$500). Each day the violation continues shall be considered a separate offense.

B. Any owner, operator, manager or permittee in charge or in control of a tattoo establishment who knowingly employs a person as a tattoo artist, as defined in the Article, who is not in possession of a valid, un-revoked permit or who allows such tattoo artist to practice within such a place of business shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250) nor more than Five Hundred Dollars (\$500). Each day the violation continues shall be considered a separate offense.

18.127. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of

competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof.

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CHAPTER XIX.

MOTELS

ARTICLE I. REGULATIONS/LICENSING.

19.101. DEFINITIONS. For the purpose of this chapter, certain terms and works are hereby defined as follows:

A. "Auto court and resort" means any area, place or tract of land where Two or more Single-family dwellings, or a building containing Two (2) or more apartments designed, used or intended wholly or in part for the accommodation of transients, are located and offered for hire, rent or lease by any person, firm or corporation. Auto court and resort also includes any motel, auto inn, or roadside hotel.

B. "Auto court and resort, auto inn, motel or roadside hotel" shall be construed to mean any permanent structure where transient sleeping accommodations are afforded or provided for the public where parking facilities for motor vehicles are provided in a parking lot or garage on the same premises. However, it is provided herein that a hotel which furnishes parking space or has a garage in connection with the hotel shall not be construed as an auto court and resort, motel, auto inn, or roadside hotel.

C. "Building" means a tent, tent house, single and multi-family dwelling, public toilets, public baths, and laundry rooms or other structures and a compartment containing a toilet or bath, or both, construed for the exclusive use of an occupant of a campsite.

D. "Cabin plot" means a section of ground not less than Thirty (30) Feet by Forty (40) Feet in area, upon which only One camp cottage or cabin is located.

E. "Dwelling unit" is a house or building, or portion there of, which is occupied, in whole or in part, as a residence or sleeping place by one or more human beings, transiently. Dwelling is a building containing one or more apartments.

F. "Dwelling units" are dwellings in a building occupied by various human beings as a residence or sleeping place transiently in conformity with Building and Zoning Ordinance as applied to "Local Business Districts".

G. "Garage" means any place in any building used for the storage of automobiles.

H. "Motel" means a building containing Two or more guest rooms or apartments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of automobile transients. Motel is an inn or group of cabins along a highway, in which motorists may spend the night.

I. "Shall" is mandatory and **"may"** is permissive.

19.102. TITLE. This chapter, including such rules and regulations it adopts by reference, is entitled the "Caledonia Motel Ordinance".

19.103. INTERPRETATION AND APPLICATION OF CHAPTER. In the interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where this chapter imposes a greater restriction upon the use of buildings or premises for auto court and resort, motel, auto inn, or roadside hotel purposes than are imposed or required by the provisions of existing ordinance, rules and regulations, the provisions of this chapter shall control.

19.104. LICENSE REQUIRED/FEE. It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, an auto court and resort, motel, auto inn or roadside hotel within the boundaries of the Village of Caledonia, Illinois, the business of providing for the lodging of transients, without having first secured a license therefor from the Village Clerk granted in compliance with the terms of this chapter. Such license shall be valid and have force in the Village until the succeeding April Thirtieth from the date of issuance, but it may be renewed under the provisions of this chapter of additional periods of One Year. The annual fee for such license shall be Ten Dollars (\$10), plus Two Dollars (\$2) Per Year for each unit available for hire; provided, however, that such license fees shall not exceed Two Hundred Dollars (\$200) Per Year. The Village Clerk shall pay such license fees to the Village Treasurer.

19.105. APPLICATION. The application for the license required by this chapter or renewal thereof shall be filed with the Village Clerk and shall be accompanied by the required fee. The application for a license or a renewal thereof shall be made on

printed forms furnished by the Village Clerk and shall include the name and address of the applicant and the name under which the facility will be operated, as brief and concise description of the type of facility being licenses, which shall include information as to location and number of units.

19.106. APPROVAL. Before any new license may be issued under this chapter there must be a favorable recommendation by a majority of the Village Board and the premises must be inspected and approved by the Planning, Zoning and Building Chairman, as to complying with all the provisions of this chapter and all other applicable provisions of this chapter or other Ordinances of the Village, however, no such recommendation is required if a license had been previously issued to the applicant at the same location by the County of Boone, Illinois.

19.107. The President of Caledonia is hereby authorized to revoke any license issued pursuant to the terms of this chapter if after due investigation he determines that the holder thereof has violated any of the provisions of this chapter or that any cabin is being maintained in an unsanitary or unsafe manner or is a nuisance.

19.108. OFFICE REQUIRED/DISPLAY OF LICENSE AND CHAPTER/REGISTER GENERALLY. In every auto court and resort, motel, auto inn or roadside hotel, there shall be an office building in which shall be located the office of the person in charge of such camp. A copy of the auto court license and of this chapter shall be posted therein and the camp register shall at all times be kept in the office.

19.109. DUTIES OF OPERATOR AND LICENSEE. It is hereby made the duty of the attendant or person in charge of the facilities regulated by this chapter, together with the licensee to:

A. KEEPING REGISTER. Keep at all times a register of all guests, which shall be open at all times to inspection by state, county and federal officers and officers of the Village showing for all guests:

- (1). Names and addresses.
- (2). Dates of entrance and departure.
- (3). License numbers of all cars.

B. MANNER OF MAINTAINING. Maintain the auto court and resort,

motel, auto inn or roadside hotel in a clean, orderly and sanitary condition at all times.

1. COMPLIANCE WITH CHAPTER, ETC. See that the provisions of this chapter are complied with and enforced and report to the proper authorities any violations of this chapter or any other violations of law which may come to his attention.

2. REPORT OF COMMUNICABLE DISEASES. Report to the appropriate health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.

3. DOMESTIC ANIMALS RUNNING AT LARGE. Prevent the running loose of dogs.

4. FIRE EXTINGUISHER. Maintain within space to be known as "Office", One Ten Pound Carbon-Dioxide type fire extinguisher, which shall be hung on the wall of the office, and be readily seen when entering the door. There shall be one of each of the above mentioned fire extinguisher provided for each Eight Units. Additional units shall be equipped with extinguisher on the same ratio.

5. OPEN FIRES. Prohibit the lighting of open fires on the premises.

6. PROPER NUMBER OF OCCUPANTS. Prohibit the use of any cabin or dwelling unit by a greater number of occupants than that which it is designed to accommodate.

19.110. SEWAGE, ETC./DISPOSAL. All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a sewer system extended from and connected with a sanitary sewer system. In any auto court and resort, motel, auto inn or roadside hotel in which such sanitary sewer system connections are not available, disposal of sewage and other water-carried wastes shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.

19.111. GARBAGE DISPOSAL. Every unit shall be provided with substantial fly-tight metal garbage depository and tight fitting cover from which the contents shall be removed by an approved scavenger service.

19.112. NUMBER OF OCCUPANTS ALLOWED. No cabin or dwelling unit may be inhabited with a greater number of occupants than that

for which it was designed.

19.113. APPLICABILITY OF BUILDING, PLUMBING, ETC., ORDINANCE/TOILET, ETC., FACILITIES. All plumbing, electrical, building and other work on or at any court licensed under this chapter shall be in accordance with the ordinances of the Village regulating such work, and each dwelling unit shall have installed therein at least one approved water closet, one wash basin, and one bathtub or one shower bath. Whenever the so called convenience apartments are offered, there shall be one kitchen sink installed in a room separate from the sleeping and living quarters.

Nothing herein shall be construed to alter, amend or change the Building Code insofar as it refers to structures for permanent occupancy.

19.114. FIRE WALLS, ETC., REQUIRED FOR CERTAIN PARKING SPACES. No parking space shall be provided for motor vehicles within Ten (10) Feet of any building or structure used for housing accommodations in an auto court and resort, motel, auto inn, or roadside hotel unless the wall facing such parking space is constructed of fireproof materials and unless the windows in such wall, if any, are equipped with reinforced fire-resistant glass.

19.115. ZONING CLASSIFICATION. No person shall locate, build, construct, operate or maintain any auto and resort, motel, auto inn or roadside hotel without complying with "Local Business District" as provided in the Zoning Ordinance.

19.116. ADDITIONAL REGULATIONS. It shall be unlawful to permit any violation of any ordinance or law on or in any auto court and resort, motel, auto inn, or roadside hotel. Such premises must be kept clean and sanitary at all times, and all waste material must be removed therefrom at least once every Twenty-Four (24) Hours. Planning, Zoning and Building Chairman, shall inspect or cause to be inspected each auto court, motel or roadside hotel to see to the compliance with the provisions of this chapter. The licensee shall allow each of the respective departments full access to the premises at reasonable hours for the purpose of making their respective inspections.

19.117. Penalty. Any person violating any provision of this chapter shall be fined not exceeding Two Hundred Dollars (\$200) for each offense, and, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER XXI .

PURCHASING

ARTICLE I. INTRODUCTION AND BACKGROUND.

The following purchasing manual has been prepared for the guidance and convenience of the Village Committees.

The purpose of this manual is to formalize the purchasing procedures of the Village of Caledonia. The manual is written to increase the amount of accountability and oversight during the purchasing process.

Full cooperation of all personnel is needed in order that the methods presented in this manual may be successful.

ARTICLE II. PURCHASING OBJECTIVES.

The objectives of this purchasing manual are as follows:

21.201. To enable the Village to purchase material and services of sufficient quality at the most economical price.

21.202. To allow the Village to purchase material and services in an open, forthright, and ethical manner which complies with all local, state, and federal laws.

21.203. To enable the Village to follow a purchasing procedure which promotes availability of material and services when needed, without creating excess inventory.

21.204. To provide adequate controls and oversight over Village expenditures as required by the Village's auditors and in compliance with local government accounting practices and principles.

NOTE: The following policies and procedures are meant to serve as guidelines and may not govern every purchasing situation which may arise. When purchases of an emergency nature are necessary, the Village should strive to maintain the objectives outlined above.

ARTICLE III. GENERAL PURCHASING POLICIES.

This section describes Village purchasing policies which apply to all non-emergency purchases of material, equipment, supplies, and services.

21.301. PURCHASING CATEGORIES

Non-emergency purchases made by the Village may be grouped under the following categories:

A. Purchases over Two Thousand Five Hundred Dollars (\$2,500) (formal bid procedures).

B. Purchases between One Hundred Dollars (\$100) and Two Thousand Five Hundred Dollars (\$2,500).

C. Purchases under One Hundred Dollars (\$100).

21.302. All of these categories require a different level of organizational approval.

A. Purchases in excess of Twenty-Five Hundred Dollars (\$2,500) are made through formal public bid procedures. Bid documents are brought before the Budget and Finance Committee, for written approval. Final bid approval is made by the Village Board.

B. Purchases between One Hundred Dollars (\$100) and Twenty-Five Hundred Dollars (\$2,500) are made through competitive quote procedures and must have written approval of the Village Board.

C. Purchases less than One Hundred (\$100) are made with the Written approval of the Village President, but may not require the competitive quotation procedures. The use of competitive quote procedures is encouraged whenever possible.

ARTICLE IV. PURCHASING PROCEDURES.

21.401. PURCHASES OVER \$2,500 (FORMAL PUBLIC BID PROCEDURES).

A. Purchases of materials, equipment, and services in excess of Twenty-Five Hundred Dollars (\$2,500) must be made through formal public bid procedures and must have the approval of the Village Board prior to award. Purchases under Twenty-Five Hundred Dollars (\$2,500) shall be included under formal public bid procedures at the discretion of the Village President. The Village President may waive the public bid requirement when

procuring certain professional services as outlined in state statute. In these situations, the Village President may require that request for proposals be utilized. The purchasing procedure under this paragraph may be waived by a Two-Thirds (2/3) vote of the corporate authorities.

COMMITTEE CHAIRPERSON:

(1). Reviews purchase request and evaluates need for service or item based upon Committee objectives.

(2). Checks Village Budget and Monthly Budget to verify that funds are appropriated and available.

(3). Prepares requisition form which includes the following information:

Explanation of need.

Specifications and bid documents and other necessary instructions. (See Appendix A)

Cost estimates

Amount budgeted

Committee Chairperson signature

VILLAGE PRESIDENT:

(4). Completed purchase requisition forms and bid documents are forwarded to the Village President for evaluation and written approval.

COMMITTEE CHAIRPERSON:

(5). Purchase requisition forms and bid documents which have been approved by the Village President are returned to the Committee Chairperson.

(6). Notice of Call for Bids shall be published in a newspaper of general circulation throughout the Village by at least One insertion which shall be at least Ten (10) Days and no more than (30) Days prior to the time designated for opening bids. The notice shall include a general description of the Article or services desired, shall state the time, date and place of bid opening and shall designate where bidding documents may be found.

(7). Formal bids are opened and read publicly at the Caledonia Township Building on the specified and immediately following the time shown in the notice of call for bids. Bids are read aloud and recorded on a bid tabulation form. A copy of the bid tab form is available to all bidders after the bid opening.

(8). Bids are tabulated and analyzed by both the Village Board and the appropriate committee. The Committee Chairperson must issue memorandum directly to the Village President stating how the award should be made. This recommendation is usually based upon an award to the lowest responsible bidder meeting specifications. Criteria for awarding bids shall be made in the bid specifications and are subject to modification depending on the product or services being acquired.

BUDGET AND FINANCE COMMITTEE:

(9). The bid results are brought before the Budget and Finance Committee for their review. The Budget and Finance Committee shall make a determination to see if the recommended bid is within the budgeted amount for the item or service and provided a recommendation to the Village Board based on the finding of fact.

VILLAGE BOARD:

(10). The Village Board examines the recommendation and places the bid results and award recommendation on the Village Board agenda. The Official contract award is made at regular Village Board meeting.

CHAIRMAN BUDGET AND FINANCE:

(11). Following Village Board approval, the Village issues an official purchase order under the procedures described in this document.

(12). Bidding forms are attached to this document as Appendix A. These forms are standard language that shall be used in all bid documents. It is recognized that certain variances in language and form will be required in bidding for certain items. The decision to provide variance in form and language shall be at the discretion of the Village President with advice from the Village Attorney.

21.402. PURCHASES BETWEEN \$100 AND \$2,500.

Purchases of materials, equipment, or services between One Hundred Dollars (\$100) and Twenty-Five Hundred Dollars (\$2,500) are made following the purchasing procedures outlined below. Village Committee Chairman are responsible for obtaining and documenting competitive price quotations for all such purchases. It shall be left to the discretion of the Village Board as to whether formal bid procedures are followed for such procedures.

PROCEDURE

VILLAGE BOARD OF TRUSTEES:

(1). Reviews purchase request and evaluates need for item or service based upon Committee objectives.

(2). Checks Committee Budget and Monthly Budget report to verify that funds are appropriated and available. The ultimate responsibility for Village Committee's expenditure is that of the Village Board.

(3). Obtains Two or more written price quotations outlining all items/services to be provided.

(4). Prepares purchase requisition form which includes the following information:

Appropriate Committee

Appropriate line item

Date goods/services are to be delivered

Date issued

Summary of quotations

Vendor's name, mailing address, contact person

Description (model, quantity)

Unit Price/Total Amount

Signature (All purchases must be signed by the Committee Chairman. Unsigned purchase requisitions or those signed by someone other than the Committee Chairman will be returned to the Committee).

Price quotes must accompany P.R.'s (Purchase Requisition - See Appendix C)

CHAIRMAN BUDGET AND FINANCE:

(5). The completed purchase requisition forms are forwarded to the Chairman of Budget and Finance for evaluation.

(6). Review written purchase requisition forms for accuracy and completeness. Checks budget line items and outstanding purchase orders to verify that funds are appropriated and available. Based upon the completeness of the P.R., availability of funds, and the correspondence of request with budget appropriation, the Chairman of Budget and Finance has the responsibility of authorizing the generation of the Purchase Order for the purchase of the goods/services. At this time, the line item is encumbered.

VILLAGE CLERK:

(7). Prepares formal purchase order in quadruplicate.

(8). Distributes four purchase order copies as follows:

***Original** - To Chairman of Budget and Finance. Places in "open P.O." file until items are received.

***First Copy** - To receiving Committee. To be used as the receiving report.

***Second Copy** - To Vendor.

***Third Copy** - To the Village Clerk. A report of all purchase orders issued shall be provided to the Village President and the Budget and Finance Committee on a periodic basis.

CHAIRMAN OF BUDGET AND FINANCE:

(9). The Chairman of Budget and Finance inspects items to ensure that they conform to the specifications and quantities set forth in the P.O. and that they are received in satisfactory condition. If shipment is satisfactory, signs and dates P.O. and Bill of Lading and forwards to the Village Clerk.

CHAIRMAN OF BUDGET AND FINANCE:

(10). Receives vendor's invoice. Matches invoice with the corresponding P.O. and Bill of Lading and purchase order form (from open P.O. file).

(11). Submits bill for payment on the next regular bill cycle. No bills will be paid without a P.O., except regular cyclical bills.

21.403. PURCHASES UNDER \$100. Purchases of materials, equipment, services, or supplies under One Hundred Dollars (\$100) are made following the procedure outlined in 21.301., with the exception of the mandatory competitive price quotations. The Village of Caledonia favors competitive price quotation procedures for purchase under One Hundred Dollars (\$100) when it is possible and feasible.

21.404. DAILY PURCHASES. Small purchases of items on a daily basis are discouraged whenever possible. All daily purchases are limited to no more than Fifty Dollars (\$50) per occurrence. Anything above this amount shall fall under the procedures outlined above in 21.302.

A. Employees are encouraged to make small daily purchases with funds allocated to the petty cash fund.

B. Employees are encouraged to vary sources of supplies and equipment among various vendors within the Village taking into consideration cost and convenience.

C. All office supplies are to be purchased centrally through the Chairman of Budget and Finance. The Village will attempt to keep commonly used supplies in storage.

21.405. BLANKET PURCHASE ORDERS FOR PURCHASES UNDER \$2,500.

Purchases of materials, equipment, or services under Twenty-Five Hundred Dollars (\$2,500) may be made from those few merchants from whom many repetitive purchases are made as supplies or services are required. Rather than issue a purchase order for each purchase, one purchase order may be issued for a given period to cover all purchases during that period.

PROCEDURE

CHAIRMAN OF BUDGET AND FINANCE:

(1). Identifies the need to have a blanket purchase order through examination of past purchasing records.

(2). Notifies Village Clerk of purchases which may be made by blanket purchase orders.

CHAIRMAN OF BUDGET AND FINANCE:

(3). Checks Committee Budget and Monthly Budget report to verify that funds are appropriated and available for necessary purchases. The ultimate responsibility for Committee expenditure is that of the Chairman of Budget and Finance.

(4). Obtains Two or more written price quotations outlining all items/services to be provided.

(5). Prepares purchase requisition form which includes the following information:

Appropriate Committee

Appropriate line item(s)

Duration of Blanket Purchase Order

Date issued

Summary of quotations

Vendor's name, mailing address, contact person

Signature (All purchases must be signed by the Committee Chairman. Unsigned Purchase requisitions or those signed by someone other than the Committee Chairman will be returned to the

Committee).

Price quotes must accompany P.R.'s (Purchase Requisition - See Appendix C).

CHAIRMAN OF BUDGET AND FINANCE:

(6). The completed purchases requisition forms are forwarded to the Chairman of Budget and Finance for evaluation.

(7). Reviews written purchases requisition forms for accuracy and completeness. Checks budget line items and outstanding purchase orders to verify that funds are appropriated and available. Bases upon the completeness of the P.R., availability of funds, and the correspondence of request with Budget appropriation, the Chairman of Budget and Finance has the responsibility of authorizing the generation of the Purchase Order for the purchase of the goods/services. At this time, the line item is encumbered.

(8). Prepares formal purchase order in quadruplicate.

(9). Places the order with the selected vendor by issuing a pre-numbered purchase order. In the description section, write:

"Term order, furnish items as requested by Village of Caledonia employees when above purchase order number is referenced. Issued periodic statements supported by signed counter tickets. This order expires on _____, 20__".

(10). Determines those employees in each Committee who will be authorized to make purchases under the blanket purchase order.

(11). Informs authorized employees of the types of items covered by blanket purchase orders, vendor name, purchase order number, and expiration date. Each authorized employee should obtain approval from the Chairman of Budget and Finance before making a purchase under the blanket purchase order.

CHAIRMAN OF BUDGET AND FINANCE:

(12). Places orders under the blanket purchase order, and supervise placement of order by subordinates.

(13). The Chairman of Budget and Finance inspects items to ensure that they conform to the specifications and quantities set forth in the P.O. and that they are received in satisfactory condition. If shipment is satisfactory, signs and dates Bill of Lading, and forwards to the Village Clerk.

CHAIRMAN OF BUDGET AND FINANCE:

(14). Receives vendor's invoice. Compares the delivered tickets received from authorized employees with vendor statements and resolve any differences. Process the vendor invoice for payment.

(15). Close the blanket purchase orders at the end of the period by writing "Complete" on the copies maintained in accounting and issue a new purchase order for the coming period. Inform authorized employees of the new purchase order number.

A report of all blanket purchase orders issued shall be provided to the Village President and the Budget and Finance Committee on a periodic basis.

ARTICLE V. EQUAL OPPORTUNITY/NON-DISCRIMINATION POLICY.

It is the policy of the Village of Caledonia that all potential bidders shall have an opportunity to submit bids and to compete on an equal basis for Village business.

All purchases and contracts to which the Village of Caledonia is party shall contain a non-discrimination in employment clause which provides:

"The vendor agrees that in performing under this purchase order with the contracting Municipality, He/She shall not discriminate against any worker, employee or applicant, or any member of the public because of race, creed, color, national origin, or sex.

The vendor further agrees that this clause will be incorporated in all contracts entered into with suppliers of materials or services who may perform any such labor or services in connection with this contract".

21.501. PREVAILING RATE OF WAGES. It is the policy of the Village of Caledonia that the prevailing rate of wages as found by the Village, the Department of Labor, or determined by the Court on Review shall be paid to all laborers, workers and mechanics performing work for the Village.

21.502. JOINT PURCHASING. It is the policy of the Village of Caledonia to encourage purchasing under intergovernmental agreements with other local governments, and/or state or federal agencies when feasible.

CHAPTER XXII
CODE OF ETHICS

22.101. GENERAL.

- A.** Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his or her government. The public judges its Village government by the way Village employees and elected officials conduct themselves in the performance of their respective duties and in the conduct of the Village business.
- B.** Devotion to the public trust is an essential part of the obligation of public service. Village employees, appointed officials and elected officials are the managers of an important branch of our system of government in which the people must be able to place their absolute trust for the preservation of their collective welfare.
- C.** The proper operation of democratic government requires that Village employees and appointed officials be independent, impartial and responsive to the citizenry of the Village. Likewise, the proper operation of democratic government requires that elected officials be independent and responsive to their constituency and to the Village as a whole. All Village employees, appointed and elected officials must studiously avoid all situations where prejudice, bias and/or opportunity for personal gain could influence their work or their decisions. Further, even the appearance on improper conduct must be avoided so as not to taint the public trust.
- D.** The purpose of the Code of Ethics is to provide each Village employee, appointed official and elected official with a baseline representation of the standards of behavior expected of them in the performance of their public responsibilities and to provide the citizens of the Village with a standard by which they may measure the faithful execution of this public responsibility.

22.102. APPLICATION.

- A.** The standards of ethical conduct set forth in this Code of Ethics shall be applicable without exception to all Village employees, appointed officials and elected officials. Nothing in this Code shall be interpreted as denying any person serving in a Village position his/her rights under the law and in every proceeding regarding these standards, fundamental due process shall be followed. Similarly, nothing herein shall be construed so as to authorize a

violation of State law and, to this end, in the event of a conflict between State law and this Code, the provisions of State law shall control.

- B.** Employees and officials must faithfully discharge their duties to the best of their ability without regard to race, age, creed, sex, national origin or political belief. The public interest must be the primary concern of all Village employees, appointed officials and elected officials and their conduct in both official and private affairs should be above reproach.
- C.** An employee, appointed or elected official may express his or her personal views with respect to public issues, however, and except as otherwise authorized, they shall not, by use of their position, represent personal opinions as those of their department, agency or the Village.
- D.** Public trust imposes on Village employees, appointed and elected officials the necessity to pledge themselves to the proper use of manpower, property and funds entrusted to their care and to exercise economy and efficiency in the performance of duty.

22.103. ETHICS AND CONFLICT OF INTEREST.

A. Confidential Information.

1. Confidential information is defined as that information which, if divulged improperly, may have a deleterious effect on the conduct of the Village affairs or which may provide a singular advantage to one entity over another entity if not properly safeguarded and/or released to all entities equally.
2. Village employees, appointed officials and elected officials shall not divulge confidential information to any unauthorized person or release such information in advance of the time prescribed for its authorized release. Further, Village employees, appointed and elected officials shall not engage, directly or indirectly, in any personal business transactions or private arrangements for personal profit, which accrue from or are based upon their official position or authority, or upon confidential information, which they have gained by reason of such position, or authority.

B. Gifts and Favors.

1. Village employees, appointed and elected officials shall not, directly or indirectly accept or agree to accept any gift of money or goods, loans or services or other preferred arrangements for personal benefit

under circumstances which would influence the performance of their duties. An exception to this policy; Village employees, appointed and elected officials may reasonably accept "de minimis" items such as lunch, Christmas baskets, etc., when they are offered and accepted in the spirit intended (i.e.: working luncheon to conduct business or recognition of a holiday season, etc.). The dollar value of these items should not reasonably exceed a value of \$25.00.

2. A Village employee, appointed official or an elected official shall not grant, cause to be granted or make available to any person or organization any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

C. Representation of Private Interests.

A Village employee or an appointed official shall not represent or act as an agent for any private interest, whether for compensation or not, in any transaction in which the Village has an interest. An elected official shall not represent or act as an agent for any private interest, whether for compensation or not, in any transaction in which the Village has any direct and substantial interest and which could reasonably be expected to result in a conflict between the private interests of the official and his official Village responsibilities. In addition, there shall be no attempt to influence any proceeding between private interests and the Village in which law or agency regulation requires that a decision be made solely on the record of formal hearing.

D. Supplementary Employment.

A Village employee, appointed or elected official shall not engage in or accept private employment or render services for private interest when such employment or service is incompatible or in conflict with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.

E. Investments in Conflict with Public Responsibilities.

A Village employee, appointed or elected official who participates in the negotiations of contracts, the making of loans, the granting of subsidies, the fixing of rates or the issuance of valuable permits or certificates to any business or private entity shall not have, directly or indirectly, any financial or personal interest in the business or personal entity.

22.104. ENFORCEMENT.

- A.** Any Village employee or appointed official who violates the provision of this section shall be subject to disciplinary action (up to and including termination) or, as the case may be, subject to charges of violation of applicable statute(s).
- B.** Any elected official who violates the provision of this section, may be subject to recall by the voters, and, as the case may be, subjects to charges of violation of applicable statute(s).

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